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The Ethics of Judaism

The Ethics of Judaism

BY

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TRANSLATED FROM THE GERMAN

BY

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IN FOUR PARTS

PART II

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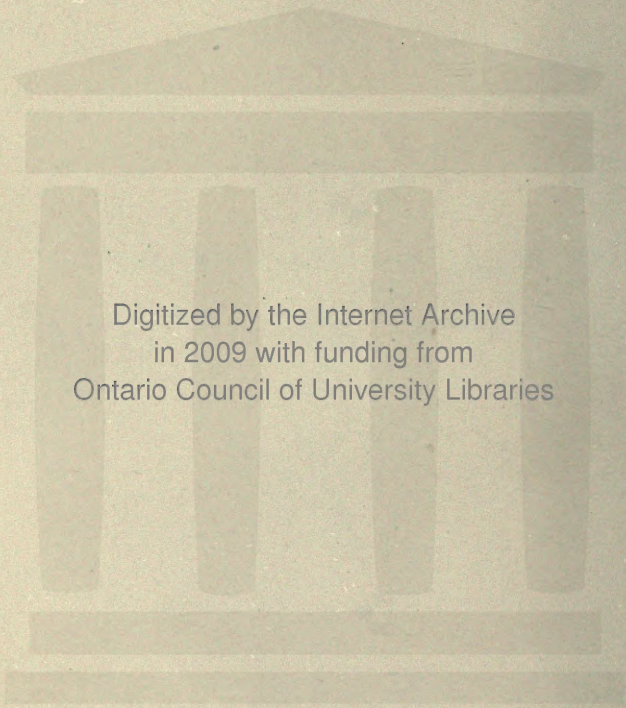
PART II

Sanctification of Life the Aim of Morality



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CHAPTER IV

Sanctification is Moralization

§175. The aim of all morality is the sanctification of life, in other words, the perfect moralization of human society. The sanctification of life the aim of all morality.

We have seen that the purpose and aim of every moral endeavor is morality pure and simple, nothing external to, nothing beside morality. We must now proceed to distinguish the elements in the notion of holiness by which the aim of morality expresses itself.

§176. In general terms, sanctification means a serious and profound view of life. Many things are important, holy things are the most important. Whatever is good and valuable we regard as inviolable; what is holy, as the most inviolable of all. The interest we take in things, or the standard by which we rate them, varies greatly; it is The notion of sanctification.

a scale with numberless degrees, but that which man considers holy occupies the highest point of the scale. The holy has the greatest, has infinite value for him.

Ritual and ethical sanctification. Footnote: Among the Jews and among other nations.

§177. Since the rise of Judaism, throughout the whole course of its development, the notion of holiness has been invested with this great importance.

From the first a distinction was recognized within Judaism between two sorts of holiness: the holiness connected with public worship, with the ritual, especially the Temple service and the sacrificial cult, and the holiness of human thought and character.[1] For the sake of brevity, one may

[1] In general, the same is true among all civilized peoples. Still, there is a great difference between Israel's idea of holiness and that prevalent among other nations, particularly the nations of antiquity. A careful determination of this difference would prove of great value. The investigation would, for instance, show what is relevant to the present discussion, that, though the notion of holiness is universally divided into its older ritual and the later ethical aspect, ethical holiness among the heathen ranks far lower than ritual holiness. In Israel

be called the ritually holy, the other, the ethically holy.

Holy and secular; clean and unclean.

§178. Ritual holiness depends upon divine ordinance; its definition does not grow out of the essence of holy things or the concept of holiness. The relation of the holy to the non-holy (profane, secular) is the same as of the ritually clean to the ritually unclean—two sets of contrasts grouped together in the Scriptures themselves (Lev. 11:45-47). No internal reason, no inherent quality determines what is clean and what unclean.[1] The uncleanness of a corpse, the defilement caused by touching it, the purification by washing and bathing,

alone it reached, not only the same, but a more exalted place, and it was raised to the true, to the highest conception of holiness. Among the Greeks, it is Plato's achievement to have associated holiness distinctly with the moral sphere, with the result that the idea of holiness was refined, and the idea of morality heightened in dignity.

[1] The remote psychologic reason for these ordinances is not touched upon, as we are here concerned only with the legal views prevalent in Judaism in historical times. (However, see footnote § 222, p. 79.)

do not arise from the nature of the things and the processes, but from a prescription ordained. This thought was expressed by R. Jochanan ben Zakkai with remarkable incisiveness: "The corpse does not defile, and the water does not purify, but he (the Holy One, blessed be he) says, I have appointed a statute, I have prescribed an ordinance."[1] The idea of holiness in an ethical sense, on the other hand, springs from the innermost essence, the fundamental quality of the thing itself.

Relation of ritual holiness to moral conduct

§179. Ritual holiness, therefore, might have been dropped out of our discussion, were there not an intimate connection between moral conduct and the ritually holy. The purely formal value of obedience and the pedagogic value of practice in the fulfil-

[1] See *Pesikta Rabbati*, 14; *Bemidbar Rabbah*, ch. 19; *Tanchuma Chukkath*. R. Jochanan himself apparently attached great importance to this dictum, for it is the answer to a question put by his disciples, but is prefaced by the oath, "As you live!" (חייכם)

ment of ordinances, arbitrarily appointed though they be, may be left out of consideration; the more so as the result of such conformity is often the reverse of what is expected, by reason of being limited to the obscure, uncomprehended statute (comp. part 1, §§22, 25).

The following, however, is important: The aggregate of what is ritually holy—consecrated persons, things, and acts—constitutes a world opposed to the profane, to the laical, the secular. It is a world of independent, divine creation, composed, like the natural lay world, of real beings and actions, which are holy only because they are so declared. The very process of their consecration consists of real events: the priests are anointed with (holy) oil, sprinkled with (holy) blood, invested with (holy) garments, and provided with (holy) food, thereby and thereby alone becoming priests and holy men (see Exod. 28 and 29, especially 28:41). All these acts are external

and natural, but they are performed according to statute and ordinance, and not for an external purpose or with ordinary intent. They are the form of consecration to mark the difference, ordained by an independent, divine act, between the ritually holy and the secular.

through its universal symbolism.

§180. In all this there is no suggestion of a spiritual transformation.[1] Even in the "atonement of the altar" (Exod. 29:36), a concept borrowed from the sphere of the spiritual, we do not get beyond the purely external act by which the holy is declared and ordained to be holy.

But the world of ritually holy objects

[1] In later times, naturally, the priest had to assume tasks besides those involved in the service of the Temple and the sacrificial cult; he became the judge (Deut. 17:8-11; 21:5, and elsewhere) and the teacher (Mal. 2:7). His functions as such have, however, but slight connection with his ritual holiness; they are not mentioned in the chapters describing the consecration of the priests (Exod. 28 and 29). Comp., however, Lev. 10:11 and Deut. 33:10.

and acts is impregnated and glorified by symbolism of a universal character. The new and peculiar quality of holiness is introduced into the given world of natural beings and attributes, and a great, revolutionizing idea is brought home to man. He is taught: You live in the world of nature with its efficient properties, regulations, and statutes. You yourself are a link in the chain of events governed by natural laws. You move along in nature impelled by her forces, from which your own wishes and purposes are framed. But this existence as part of nature is not all; it is not the whole world, not the whole of life. For you there ought to be something beyond this congeries of realities with their laws of excitation and motion—something different, something higher. Remote from the complex of things and events, of causes and effects, natural purposes and means, intentions and achievements, there ought to be persons, things, and acts distinguish-

ed by a new and peculiar quality—the quality of holiness!

The ethically holy.

§181. In contradistinction to ritual holiness we have what has been called ethical holiness. The former is merely symbolic of an order of existence higher than the natural world; the latter is holy in and through itself. Not as a symbol, but as a genuine and real higher world, the moral sphere takes its place within the natural world. It is holy by virtue of the elements of which it is composed and their inherent properties. The prototype and source of the idea of holiness lies in the thought that God himself is holy; at the same time, all descriptions in Sacred Writ by which we arrive at a knowledge of God are of ethical attributes and relations.[1] There-

[1] Except those in connection with the creation and the government of the world. But in the most important passage on the divine essence (Exod. 34: 6-7), the creation and the government of the world are not adverted to; ethical attributes only are mentioned.

fore, the notion of ethical holiness must be discussed as the aim of all morality. But first the notion of holiness must be made perfectly clear by reference to a third sort of holiness and its relation to the other two. As we shall be dealing with a notion on the borderland of ethics, a brief characterization will suffice.

Religious holiness; not the same as ritual holiness. Its psychologic basis.

§182. At first blush it might seem that the two sorts of holiness of which we have been speaking might have been indicated by the terms religious and ethical. This is not the case. Religious holiness is not conceivable apart from ethical holiness, nor does ethical holiness sacrifice aught of its peculiar character in being at the same time religious holiness. Again, all that is ritually holy cannot be called religiously holy, nor are all religious sentiments clothed in ritual forms. It is not proper to apply the term religious indiscriminately to persons charged with the performance of ritually holy acts, to the vessels they use, the cere-

monies they observe. Even the sacrificial service, performed with external punctiliousness, but without thought and feeling, or prayers recited as a matter of habit, but without devoutness, can be described as religious only by a sort of magnanimity of logic. Absorption in the infinite, eager desire for knowledge of the divine essence, longing to be united with God, in short, rapturous, though it be only transitory, devotion to God—these are religiously holy emotions.

There are also holy objects, whose sacredness is derived, not from prescription, but from their intimate connection with what is intrinsically holy. For instance, the old Ark of the Covenant would perforce have been considered holy by all, though it had not been anointed. Houses of prayer, scrolls of the Law, even the shrine in which the scrolls are kept, are holy in the eyes of a religious person, not because they have been declared holy—which is super-

fluous—but because these outer envelopes partake of the dignity of their contents. The holiness of the object is a reflex of the holiness of the idea of which it is the instrument; it is moonlight produced by the sun of religious holiness. This sort of holiness has its origin, not in an external or legal, but in a psychologic reason—in the involuntary association established, according to psychologic laws, between the object and our highest spiritual possessions. Similarly, keepsakes, relics, trophies, and notable creations are treasured and held in pious veneration. The object attains to spiritual dignity by reason of its direct and actual, not its symbolic, relation to the world of religious thought.

Relation of religious holiness to ethical holiness.

§183. In establishing ethical principles, the relation of ethical holiness to religious holiness is highly important. As we have seen, ritual holiness affects the moral sphere only by means of its general, abstract symbolism. The relation between religious

and ethical holiness may be far closer. In general, the notion of the religious consists in the reference to God. The whole cycle of theistic notions, all our conceptions of the essence, government, and acts of God, all manifestations of piety, and the regulation of our will by what we assume to be the divine will—these constitute the world of religious thought. Whatever is done in honor of God, out of devotion to God, is religious. From the Jewish point of view, religious holiness, that is, perfect religiousness, is not conceivable apart from the moral life; for our very consciousness of God is based pre-eminently upon moral notions. We know that the finite mind of man cannot fully comprehend God's infinite being. At the stage of highest spiritual development, man may be completely absorbed in the divine, but never is he able to absorb it completely. So long as he lives, the divine essence remains a mystery to him, for, as the Scriptures say, "no man

can see me and live."[1] But we know also that our knowledge of God, so far as he in his goodness has imparted it to us (Exod. 33:19, in connection with 34:6-7), consists of the recognition that he is the source and prototype of morality—he is morality personified and realized, or, rather, he is morality itself. Hence, the notion of religious holiness is absolutely dependent upon the notion of ethical holiness, but ethical holiness may be thought of detached from religious holiness. It has value and dignity of its own, without reference to God, the ordainer of morality; that is, the moral idea has an existence independent of the recognition that it is actualized in God.

§184. The moral, then, may at the same time be the religious without changing its actual features, without abating a jot of its peculiarity and dignity. This may be made plain by an illustration, though an inadequate one. A man may regulate his life,

The notion of *Kiddush ha-Shem* ("sanctification of the Holy Name").

[1] כי לא יראני האדם וחי, Exod. 33:20.

and form his character, etc., according to any, let us say, ethical ideals. At the same time every act of his may be performed with the thought of his parents in his mind —to give them pleasure, to honor them, to evince his gratitude towards them. His actual aspirations and deeds remain unchanged thereby; yet a peculiar value accrues to them, a special meaning, and thus also a finer impetus. This is likewise true of the morality that is religious at the same time, that is moulded by religious motives, that is kindled and imbued, glorified and irradiated by the thought of God. Continual reference to the infinite heightens the force and the nobility of the finite. Rabbinism has created the most spiritual bond between morality and religiousness by the development of the notion of *Kiddush ha-Shem*, the sanctification of the Divine Name through man's moral life. In the light of this notion we read their highest meaning into the words of the Prophet:

"God, the Holy One, is sanctified by righteousness."[1] One of the Rabbinical writings gives the following commentary upon Leviticus 19:2: "If you sanctify yourselves, I (says God) esteem it as though you had sanctified me."[2]

This sanctification of God, the Holiest Being, through man, may be called absolutely the most audacious, the most exalted, ecstatic, and blissful of thoughts. The expression ונקדשתי ("I am sanctified," Lev. 22:32, Ezek. 20:41, and elsewhere) conveys the sublimest notion conceived by mind of man—it is the noblest word framed by human tongue!

§ 185. The connection between the notion of holiness and the notion of morality appears in the Torah itself, expressed, by way of illustration, as it were, in certain unmistakably moral commands. Whether the

Holiness and morality in the Torah.

[1] האל הקדוש נקדש בצדקה, Is. 5:16.

[2] אם מקדישים אתם עצמכם מעלה אני עליכם כאלו קדשתם אותי, *Sifra Kedoshim*, ch. 1.

holiness of God, the lawgiver, or the sanctification of man, whose mission is morality, be spoken of, the holy is made to appear in these passages as the source and reason of moral ordinances. Thus, the laying aside of savagery and uncouthness is pointed out as a means to sanctification (Exod. 22:30), and heeding the law of the clean and the unclean is considered a condition of holiness (Lev. 11:44). The small, but extremely valuable collection of religious and ethical injunctions in Leviticus 19 is introduced (v. 2) and enforced by the command of man's sanctification, inculcated by reason of God's holiness. Here appear next to each other, as emanations from this fundamental idea, love of parents and Sabbath rest; the pure worship of God and circumspect care of the poor; veracity and inviolability of the possessions, the life, and the honor of one's neighbor. Here hatred and malicious slander are prohibited, as well as abuse of the weak, the afflicted, and the

wage-earner. Love of neighbor is enjoined side by side with love of the stranger.[1] Chastity, pure family relations, strict probity in weight and in measure, and respect for old age, are enumerated as elements or results of sanctification.[2] It is thoroughly characteristic of this code which is introduced by the general law, "Ye shall be holy," that the three sorts of holiness are represented in it, for the ritually holy—the holy by statute—is not missing (vv. 5-8). Moreover, it is in full agreement with ancient thought in general and with the spirit of the Mosaic legislation in particular, that the difference between the motives for the various ordinances is not considered; that equal importance is attributed

[1] V. 18 and vv. 33-34: "If a stranger sojourn with thee in your land, ye shall not vex him. But the stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself."

[2] The *Chinnukh* makes the just remark (see Rosin, p. 35, 8): "Every noble and amiable quality becomes a nation whose task is the sanctification of life."

to all ordinances alike. Though some laws sprang from several different motives, yet we shall see (when we enlarge further upon the notion of holiness) that all laws, despite differences in tenor and motive, are put into the same category by the common formal element of obedience, and so acquire the common character of holiness.

The complexity and increasing refinement of motives, as, for instance, in the case of the Sabbath.

§186. The Sabbath offers a signal illustration of the entanglement of various motives in one law—how their presence can be traced in the form in which it was originally promulgated, and how they were developed later, both in order to supply additional reasons in its support, and to extend its meaning and application. The interweaving of the purely religious, dogmatic reason for Sabbath rest with the ethical motive for the command was spoken of above (in the footnote to §167, part 1, p. 231). This comes out with perfect clearness in comparing the differences, affecting the Sabbath command most conspicuously,

between the two versions of the Ten Words in Exodus and Deuteronomy (Exod. 20:8-11; Deut. 5:12-15). But the influence of the Sabbath upon the general spiritual improvement of the human race, and particularly in the way of religious elevation and release from the yoke of the workaday world, was gradually made clear only by successive generations of Rabbis. Granting as it does the possibility of a spiritual life, leisure is regarded as a condition of sanctification.[1] Even in the Torah the

[1] As is well known, Aristotle also attributed great importance to leisure as a condition of spiritual development. But the fact of agreement between the Jew and the Greek upon the fundamental idea is not so interesting as the difference between their respective deductions from it. The comparison invites investigation. At present the following suffices: Aristotle justifies slavery with the argument that the masters require leisure, and therefore there must be a class of people to do the work. Sacred Writ, on the other hand, ordains leisure as the condition of what may briefly be called the higher life, in order that a day of rest, with its blessing of leisure, may be enjoyed by all who work during the week—man-servant, maid-servant, stranger, as

Sabbath is presented from this point of view when it is designated as מקרא קודש, whether we translate these words by "holy convocation," or "holy proclamation" (designation), or "holy reading." In this respect the festivals, which are likewise sustained by various motives, resemble the Sabbath. First and last, however, the Sabbath is invested with the purpose of a holy symbol. In all passages its celebration is ordained "to sanctify it" (לקדישו).[1] It is frequently called an אות, the best rendering of which surely is "symbol." This symbolic purpose appears plainly from the shade of thought expressed in Exodus 31 : 13. There it is distinctly said that the Sabbath is a

well as master; for the bidding, "Six days shalt thou labor," applies to the last as well as to the others.

[1] It is foolish to insist that לקדישו means only "to distinguish it." קדיש does, indeed, sometimes mean "distinguish," but not always necessarily. Here, as everywhere, the concrete idea of the "holy" is assuredly an older meaning of the word than the abstract idea of "distinction." The latter is probably derived from the former.

symbol (an אות) to know, that is, to prove, that God sanctifies man—demands and grants his sanctification.[1]

§187. Various dogmatic notions are bound up with the idea of religious holiness, with man's consciousness of God, in other words; and they may exert considerable influence upon the ethical conduct of life. God is eternal, therefore man is supposed to be immortal. The notion of immortality has as its correlative the difference between this life and the life of the future world. From the point of view of

The ethical independent of dogmatic notions.

[1] Therefore it will not do to translate (with Luther): "that ye may know that I am the Lord that doth sanctify you," but rather, "that I the Lord sanctify you." The accurate, revised [German] version of 1887 has the correct translation, though, curiously enough, not of the above passage, but of the parallel passage in Ezekiel (20: 12): "A sign between me and them that they might know, that I the Lord do sanctify them." [The same difference exists between the King James Version and the English Revised Version of 1885, except that the preferred translation of the passage in Ezekiel is a marginal note.]

this difference, the meaning and purpose of earthly conduct may take on an entirely changed aspect, as the history of religions and of ethics proves. It is characteristic of the fundamental doctrine of Judaism that morality is looked upon as absolute, as unconditioned. In this life as in the world beyond, morality is the highest aim, and its validity as such is eternal. In our very conception of God the ethical ideas are the most essential. Through them man is enabled to attain to a clearer understanding of the divine essence than through any others (see §183, p. 13). Therefore, as we saw in R. Jacob's classical saying (part 1, p. 188): "Better is one hour of repentance and good works in this world than all the life of the world to come," the moral idea stands exalted above every other consideration in any comparison of this world with the world to come. Again, the highest conceivable good in the future world, or the most effective means in our present

life for securing its enjoyment, is simply morality, the very end which, without reference to a future world and its conditions, looms up before our eyes as the necessary and only dignified aim of life. Mortal man is frail and infirm; the lawgiver, the Prophets, and the Rabbis were well aware of his nature; yet all of them have but little to say of sickness and death, unless they are treating of the moral duties connected with them.[1]

The ritually holy must become religious: the religious cannot fail to be ethical.

§188. These considerations yield, in brief, the following as the Jewish view of the place of holiness in man's life: The ritually holy, whose significance depends entirely upon its character as a symbol of elevation and purification, reaches perfection only when the advance has been made from the external to the spiritual, from performance to thought, from act to character;

[1] Spinoza stands wholly on Jewish ground when he condemns excessive reflection upon death, but his rejection of repentance is un-Jewish.

in a word, when the ritual has been transmuted into the religious. But the religious —the relation man establishes between himself and God, his exaltation through God, and his devotion to God—has the ethical as its basis and its nucleus; for the lightsome knowledge, the emotional energy, the rapturous feelings, leading to the apprehension and understanding of the godly, can be inspired only by the moral notions of the divine essence. By means of morality alone, finite man can become the image of God, the infinite. The spiritualization of feelings, the purification and strengthening of the will, the purging, illumination, and ennoblement of all thought, derive their impetus from the idea of morality, and only through morality reach their aim.

§189. As was pointed out above, this aim is ethical holiness, that is, the sanctification of human life, and it is the task of ethics to define its character and content.

Sanctification the aim, and every step in its direction an aim. The ethical notion of sanctificati n.

The ethical notion of sanctification is neither extravagant nor mystical.[1] Still it implies an ideal infinitely beyond the highest yet attained by human conduct. But though this ideal is so remote as to seem quite unattainable, it is, after all, the impelling force that determines every step in its direction, and, therefore, for finite man each step in itself constitutes an aim.

Ethical holiness is the perfection of morality—a morality that is absolute and unconditioned; not means but end; the final purpose; the purpose of all purposes.

§190. Ethical holiness means the perfection of morality.

The perfection of morality demands above and beyond all else that morality shall be absolutely unconditioned. Its meaning, worth, and dignity inhere in itself. It is to be practised for its own sake, for no other reason, for no ulterior purpose. Life develops an abundance of purposes which man strives to realize, and an abundance of values which he seeks to acquire, both increasing with the advance of civilization; and their number is exceeded by

[1] Comp. Deut. 30: 11 *seq.*

the sum of progressive means contrived to avoid evils, and to attain enjoyments and secure their permanence. The moral life is crossed and interlaced with all these purposes and the means, negative and positive, for their realization. But morality may not serve them; it should dominate them, make them subservient to itself, in fact. It may never be considered the means to attain some other purpose; it is its own and sole purpose and at the same time the purpose of all purposes.

For, to be perfect, morality may not even be regarded as co-ordinate with other purposes, distinct from them but resembling them in kind; in the same way, for instance, as science and art, industry and trade, economic organization and administration stand next to each other in the reciprocal relation of means and end. Morality to be perfect, to be the expression and incarnation of holiness, must occupy a solitary position opposite to the aggregate of all other human

purposes. It is holy when it is independent and absolute; when it asserts itself as the final and the highest motive of all action, as the force that makes for nobility of character, as energy rejoicing to create and produce.

Many in the Rabbinical world, and among them superior minds, went to such length in the development of this idea as to maintain, not only the independence and predominance of the ethical motive, but also its absolute exclusiveness. When we come to treat of the relation of morality to the natural impulses, the purposes of nature, we shall see that the fundamental idea of Judaism requires a modification of this extreme view.

The totality of moral ideas; their inner harmony.

§191. The perfection of morality furthermore requires that it should be the whole of morality, or morality as a whole, a unit complete in itself. Not single moral ideas, but all moral ideas in the aggregate express the notion of ethical holiness.

Moreover, not merely the wholeness of morality, the totality of all moral ideas, but their inner harmony is characteristic of ethical holiness—the harmony that shows itself first and foremost in that the moral notions, ordinances, and regulations exist next to each other without contradiction, and each single moral notion has its proper import and sphere assigned to it in the cycle of moral notions. Thus becomes possible the co-operation of all in the attainment of the same goal. Ideal perfection of the moral life is conceivable only when the continuity of all its manifestations and activities is undisturbed. The physical unity of the individual[1] should have its complement in the unity of his productive activities; it should be translated from the sphere of nature to that of morality. This thought is conveyed by the Scriptural sentence (Deut.

[1] The natural unity of the individual and of his self-consciousness is disturbed only by some psycho-physic disorder; moral unity is destroyed by every kind and every act of immorality.

30:15): "See, I have set before thee this day life . . . . and death." The notion of life is here applied to the aggregate of all the laws, and so they are constituted a unit complete in itself.

§192. As a rule, this harmony is threatened by forces, purposes, and actions, belonging to the natural, unmoral world. Within the moral sphere itself, however, the thing to be feared as a menace to moral unity is one-sidedness, the predominance of a single moral idea over all others. One-sidedness is bound to lead to the negation of all moral ideas except the one cherished, and finally even to the negation of this one. One-sidedness necessarily results in exaggeration, and exaggeration, bent upon the annihilation of all outside of its object, ends by rendering nugatory the very idea to be emphasized. By way of illustration we need but remind ourselves of the well-known saying, *summum jus summa injuria*, and of the "foolish saint" (חסיד שוטה).

Contrasted with ethical one-sidedness. Footnote: on war.

There is good reason and historical justification for the assertion that the slowness of ethical progress is due less to lack of moral energy in successive generations than to lack of balance in our moral ideas. The history of oppressions and persecutions, of Draconic legislation and fanatic insurrections, furnishes proof in abundance. Ethical one-sidedness involves, not only the affliction of blindness, but also the sin of blinding others. The most upright leaders of a persecution become misleaders of the masses. However good their intentions, they arouse the evil passions of their followers; for they excite the mania for persecution, and awaken the instincts of cruelty, which, in many cases, a long period of moralization has but just succeeded in restraining.[1]

§193. The dangers arising from moral

[1] This has been observed to be the darkest aspect of war, whose terrors may be mitigated, but are not banished, by the virtues of bravery and patriotism.

one-sidedness, then, are great and insidious. It is opposed by the idea of holiness, by the notion of the totality of all moral ideas, their perfect unity, their efficacious harmony. This attribute of efficacy makes of the idea of holiness a peculiar idea, an idea complete in itself. It embraces all other moral ideas, assigns boundaries to them, and by limiting them enables them to grant one another mutual support, inspiration, and elevation. The bond uniting all others, the idea of holiness is itself a unit, a complete whole, supplying a new, a higher and stronger impetus to every single moral idea. Through it each one reaches its surest realization, and it is realized in all. If all other moral ideas are "holy" (קודש), then the idea of holiness is the "most holy" (קודש הקדשים).

The dangers of one-sidedness overcome by the idea of harmony.

§194. Finally, the perfection of morality requires, besides the harmony of moral ideas, the union of all moral agents, the cooperation of all moral missionaries, the

Man can never be, he is always becoming, holy.

coalition of all responsible efforts directed towards the morality, not only of the individual, but also of the community. Before entering upon this subject (see ch. VII), we must define clearly the personal relation of the individual to the notion of holiness.

Over and above all, it must be borne in mind that man can never be, he can only become, holy. Man is called upon to strive, not for holiness of person, but for holiness of living. God alone *is* holy; for man it is to aspire after holiness. Sanctification is an infinite task; in its performance man, the finite being, makes himself a sharer in the infinite. With each achievement, the task is renewed and enhanced. Every accession of strength, every gain in refinement, every extension of liberty, raises the demands made upon man, and increases the measure of his responsibility, which extends beyond his own conduct to the moralization of the community. The Rabbis clothe this thought in various

garbs; for instance, Ben Azai said: "Virtue is the reward of virtue,"[1] and we have the well-known expression: "The Holy One, blessed be He, holds the pious to strict account."[2] The Talmudic sages had a distinct conception of the improvement possible in man and of his duty to improve. Man can rise from achievement to higher achievements; his circle of noble activities should widen, his activity become more and more pregnant.

From the variety of the mental traits, the energetic endeavors, and the original achievements, of the Biblical and the Talmudic heroes, our forebears derived, for their own and for our instruction, the manifold forces, the various degrees, the different kinds, forms, and standards of advancement, as well as of decadence, in ethical culture. Thus they leveled for us the spiritual paths along which our characters

[1] שכר מצוה מצוה.
[2] הקב"ה מדקדק עם הצדיקים כהוט השערה.

must travel to reach the goal of their sanctification.

Unity, objective and personal.

§195. Sanctification is moralization—the uninterrupted striving for perfection of morality, constantly renewing itself, constantly growing stronger. Here, again, the nucleus, the ideal standard of development, is the notion of unity in a twofold aspect: on the one hand, objective unity, with reference to conduct (object)—the continuity of its constituent elements and its symmetrical development according to a plan; on the other hand, subjective unity, with reference to the moral agent (subject)—the continuity of his abilities and functions and the harmonious development of character.

Plan of life—present and future; end and means. Education and vocation.

§196. Total lack of a plan of life is characteristic of the so-called savage peoples, those living in a state of nature. They take no thought of the future, and are unconcerned about maintaining its continuity with the present. The untutored adult, as with us the untaught child, lives in the fleet-

ing moment. Life among civilized nations, on the other hand, reveals a more or less marked tendency to formulate a consistent plan for the activity of the individual. Education, for instance, means the employment of the pupil's mind, not to fulfil a present purpose, but in order to awaken, develop, and drill his powers for the realization of remote purposes and secure his hold upon the knowledge presupposed by his future vocation. In particular, education in morality aims at a knowledge of moral principles, at the formation of moral views, and in a measure the practical execution of moral injunctions—in short, at the moral, which is to be the rule of future conduct. In moral education, therefore, in proportion to the degree of the pupil's self-consciousness and the development of his will-power, purpose and means coincide. For instance, obedience to parents and respect for teachers are enforced at once as moral actions in the present and as

a moral drill for the future.[1] In adult life we see the same relation between means and end—their simultaneity, their concatenation, their reciprocal enhancement.

Again, the choice of a vocation and the training its exercise presupposes imply the outlines of a working plan, according to which the individuality of an adult is to express itself.

The life-work of the individual and of the community as a whole. Life itself a vocation.

§197. What is true of pupils and apprentices, of students of a branch of knowledge and disciples of an art, appears again and again, with manifold modifications, in the life-work of every mature man. Remote aims are conceived, and are reached amid struggles, on labyrinthine paths, and after interruptions and diversions. The spiritual consecutiveness of all activity is thus established. Man's life shapes itself into a complete whole and, if planned ac-

[1] From the ethical as well as the psychologic point of view the question here touched upon has never been thoroughly discussed.

cording to the highest ideals, into a symmetrical work of art. The numerical unity of the actor's person, maintained throughout all his doings, which may and in the average life actually do embrace various, scattered, contradictory acts, ought to be supplemented by the objective unity of deed and work, presenting at least in their chief features an harmonious unity of life-contents. As the exercise of a vocation brings about objective unity, originating in it and leading in turn to its perfection; so, when life itself is conceived as a vocation, and because it is so conceived, the aggregate of a human being's activities should and can constitute a unit. An existence on such lines, controlled by the harmonious and unifying moral idea, can acquire the consecration and dignity conferred by holiness.

It is sufficient to advert to the fact that such uniform activity, producing and in turn governed by a definite plan, is the con-

dition and the ruling principle of communal life and work, in societies, congregations, states, etc., and reveals itself as the impelling and guiding force in their statutes, constitutions, regulations, and specialized functions.

The good as a constantly active force. Condition of sanctification.

§198. The sanctification, the perfect moralization, of life requires, therefore, that the good in man shall be more than an impulse; it must be an enduring attribute, a constantly active force. Single acts may be good and in conformity with law, they may even be noble; yet they are not prohibitive of the sway of low passions. This day a man is long-suffering, peaceable, benevolent; to-morrow he may yield to envy, to the desire for revenge, to unbridled lust. But it is not a question of mere uniformity. The important consideration is, as we have seen, that man's efforts and acts shall not be isolated; they must be conceived with reference to the whole, with reference to the purpose of life. Only when this relation to

the whole has been established, an act becomes noble, and is invested with its proper dignity. An isolated deed may be useful or valuable, but if it originates in an evanescent emotion, it appears as an accident, and has almost no part in the fulfilment of man's real task.

Idea and person; reason and cause.

§199. The unifying life-purpose is reached only when it finds its counterpart in the agent whose inner world has resolved itself into a homogeneous whole, complete in itself. The abstract standard of good, the idea of morality, must incorporate itself in the individual. In other words, the idea and the individual must become one and indivisible, an harmonious unity. If the notion of holiness is to be applied to man with even approximate truth, the idea of morality must have become active and real in his person. Man must *be* good, in order that his *acts* may be truly good. That thought may turn into deed, that the idea may be made living, his will, his character

must be dominated and permeated by the idea of morality.

Sacred Writ, without entering into acute, logical distinctions, instructs us upon the true sources of man's spiritual advancement. Deuteronomy 6:5 enumerates לב, נפש, and מאוד, ("heart," "soul," "might") as the forces urging man towards the highest ethical achievements—towards the love of God himself. Between לב (=heart), the aggregate of our convictions, the recognition of what constitutes the good, on the one side, and מאוד (=might), the active will, the manifestation of energy, on the other side, stands נפש (=soul), personality, as the real focus and centre. The idea of morality is the reason of all that is good, but the individual is its cause; incarnate in the individual, the notion of the good becomes an active power.

§200. God is holy—that means nothing more nor less than this: in him the good as an absolute idea is merged into the good

as an absolute reality, an unlimited force. Precisely at this point, at which man is furthest away from the Infinite Being, the idea of God as the archetype and pattern of man assumes its highest significance. In man, too—the individual being filled with the idea, and the idea finding its agent in the individual—the infinite idea of the good can and must become a force, real and efficient, though real and efficient in a limited sense.

God the prototype of the idea of the good realized: the cause of the idea as an active force.

§201. In the work of civilization in general as well as with reference to ethical activity, a proper distinction has long been made between two objects legitimately to be had in view: the production of ideal possessions and the education of ideal men. Human effort purposes either to beget valuable knowledge, discoveries, inventions, laws, institutions, and works, or to train individuals dowered with noble faculties, sentiments, and views. These two life-purposes are conceived, though unjustly, as

Historical difference between the objective and the personal.

different and separate. Not only has one or the other been given the preference in theoretical discussions, but each has acted as an independent force in history, and has impressed its sign-manual upon a given epoch.[1]

If within Judaism these two trains of thought, whose psychologic and pedagogic value should not be underestimated, were not adequately differentiated and logically developed, the defect was compensated for by avoidance of undue recognition of the one or the other. Judaism, however, has never failed to appreciate the significance of the personal element. That was provided for and guaranteed by the abundance of historical characters whose individuality invited the attentive study of generation after generation.

The ethical character.

§202. For the individual to be a moral agent, it is necessary, then, that the good in him shall not be isolated and accidental,

[1] See Appendix No. 31, p. 257.

but shall be an integral element of the whole; and, again, that it shall not be evanescent and occasional, but enduring and established. This constancy and stability in an individual constitute character. Ethical character consists and reveals itself in the perfect agreement between a man's will and his conduct, on the one side, and, on the other, his perception and opinion of what is excellent, valuable, and desirable—of what, in a word, seems *good* to him. Perception is to be followed by avowal, conviction by energy.

Accordingly, there may be such a thing as a bad character. A man incapable of recognizing the truly good and in bondage to false ideals and low passions, who acts in perfect accord with his views, shows character, though a bad one. Fortunately, constancy in evil—such constancy as is the essential attribute and inevitable result of the notion of good—is a rare phenomenon. Consistent wickedness is not so widespread

a fault as lack of character.[1] By nature man's will is vacillating and changeable. Indispensable, therefore, as knowledge of the good is, it by no means guarantees a good will, still less, good conduct.

Hence, the time-honored ideal of an ethical character is a לב טהור, a pure heart, clear convictions, coupled with רוח נכון, a firm, constant will, unwaveringly directed towards the good.[2]

[1] It is not for me to decide here whether no character is the worst of all characters. According to the Jewish view, he is worst who, not satisfied with doing evil, seduces others. This view must be part of every system of ethics which, like that of Judaism, is pre-eminently a system of social ethics.

[2] See Ps. 51: 12; the connection with the idea of holiness is made evident in v. 13.

CHAPTER V

Moralization is Lawfulness

§203. Sanctification is moralization, and moralization is brought about by means of lawfulness. Lawfulness, in turn, implies a mind directed towards the fulfilment of all laws, a constant willingness and the energetic will to act dutifully, in accordance with the standard of the law. The notion of lawfulness.

The act of sanctifying is tantamount to obedience—obedience to God in a religious sense, obedience to the moral law in an ethical sense.

Sanctification in general means belonging to God, devotion to him. The words, "and ye shall be holy men unto me" (Exod. 22:30), R. Ishmael amplifies thus: "If you are holy, you belong to me, you are mine."[1] This devotion finds at

[1] *Mekhilta Mishpatim*, ch. 20.

once its practical and its valuable expression in the fulfilment of the law. Obedience to his law is the noblest form of devotion to God. On a plane beyond mystical abstraction, superfine speculation, ecstatic emotionalism, obedience produces the pure, transparent atmosphere in which the spirit of morality has its being. According to Maimonides' explanation, made clear beyond the peradventure of a doubt by the example of Joseph's chastity, every moral act performed without an ulterior motive—neither from fear, nor the hope of profit, nor ambitious designs—but only in conformity with God's command, "for the sake of God," is a sanctification of man and thereby of the Divine Name.[1]

Law and arbitrariness; the universal and the will of the individual.

§204. It has been shown that the Torah itself again and again emphasizes the connection existing between the notion of holiness and the notion of obedience to law. In

[1] Maimonides, *Hilkhoth Yesode ha-Torah*, ch. 5, Hal. 10.

addition to the passages already quoted (§185 *seq.*), Deuteronomy 26:17-19 must be referred to, where the three ideas of devotion to God, obedience, and holiness are completely interwoven with one another. The verses read: "Thou hast avouched the Lord this day to be thy God, and to walk in his ways, and to keep his statutes, and his commandments, and his judgments, and to hearken unto his voice: And the Lord hath avouched thee this day to be his peculiar people, as he hath promised thee, and that thou shouldst keep all his commandments; And to make thee high above all nations which he hath made, in praise, and in name, and in honor; and that thou mayest be an holy people unto the Lord thy God, as he hath spoken."

Another passage of interest in connection with this aspect of the subject is the admonition regarding the use of the show-threads, in Numbers 15:40: "That ye may remember, and do all my command-

ments, and be holy." Whether the phrase "and be holy" be taken as merely elaborating and continuing the command, or whether Aben Ezra's view, that it is a promised result, be accepted, in either case it remains true that the two notions of law-abiding conduct and holiness appear in closest union with each other.

As doing is impossible without remembering, it might seem that the word "remember" is superfluous before "and do," especially as to "remember" is mentioned in the previous verse (v. 39), and there with propriety, because the purpose is to assert the importance of the show-threads in their function as reminders.[1] The commentators, curiously enough, have nothing to say on the point, yet to me the expression seems abundantly suggestive. The subject

[1] In elucidation of the fact that all laws, and in particular the ceremonial laws, may be prompted by a wide variety of motives, it should be noted that importance attaches to the show-threads, not as a symbol, but as an ordinary mnemonic sign.

is obedience; obedience is due alike to positive and to prohibitive commands. To the latter, the expression "you shall do" ועשיתם is not applicable. In order to execute a prohibition, the command not to do must be remembered. Only conscious omission of the forbidden raises omission to the status of a moral act. Failing to do, mere negation, is without significance. Scientists have discovered the positive function of nerves of inhibition. In the same way, it requires a positive act of the will to subdue and annul an incipient desire for the forbidden. Obviously, far-reaching, positive significance in the province of morality attaches to the prohibitive commands. The most casual consideration of the complex of man's wishes and actions demonstrates the necessity of setting a limit and barrier to positive, natural impulses. This explains the fact, at first sight strange, that among the Ten Commandments three only are positive, and seven are negative,

and among all the laws, assumed to run up to six hundred and thirteen, three hundred and sixty-five are negative, and two hundred and forty-eight positive. The barrier against the forbidden is at the same time the portal leading to the realm of holiness, the realm of positive moral action. In fact, obedience to a prohibitive command must all the more manifest itself in the capacity of a positive force and act, as the very consciousness of a prohibition creates a positive element, the impulse, namely, towards violation of the law. The Latin saying: *Nitimur in vetitum* ("we strive against the prohibited") and the Hebrew, יצר לב אדם רע ("the impulse of man's heart is wicked"), both express rebellion against the law as law. The root of the rebellion is the inclination towards unbridled liberty, towards license—an inclination frequently coupled with the conscious assertion of self, of the individual, his peculiar personality, his own, solitary will in opposition to the

law as the expression of the universal will. "I will be I" is the formula for the state of mind in which violation of the law becomes a positive desire. Directly opposed to it is the perfect, unstinting obedience of him who makes the law or the universal the content of his will—who of his own accord and so far as is necessary resigns his will, in order to give free play to the universal and let it become the force dominating him.

Lawfulness the aim of the law and the source of liberty.

§205. Lawfulness, the disposition to fulfil the law as such, may be considered the real aim of law. Instead of the desires, intentions, and purposes that usually enthrall the mind, obedience prevails as a purely formal element. No sort of result, not even a spiritual result, is considered or reckoned on. The sole idea is that an act becomes moral through the obedience to law that produces it. All other purposes disappear, or rather are subdued and subordinated, and the moral purpose is left supreme and alone authoritative.

Ethical aspiration and ethical teaching are directed towards liberty, but liberty becomes the attribute only of a character that accepts the law and constitutes it the personal standard of action. The preponderance of the formal element gives scope to the display of morality in its perfection, for only in this way, triumphing over all other impulses and results of action, does man attain to inner liberty. This thought is strikingly expressed by the Rabbis: "The commands were given only to purify all creatures"[1]—man as a natural being among them. Purification consists in the subjection of all incentives to action by the formal element of obedience. In the call to Abraham, in whom "all the nations of the earth" were to be blessed, the central idea is, "that he will command his children."[2]

§206. It is well known that the lawfulness of an action goes far towards estab-

[1] *Bereshith Rabbah*, ch. 44.

[2] למען אשר יצוה את בניו, Gen. 18: 18-19.

lishing its ethical character with the Rabbis. This comes out most clearly in the discussion of the question, whether he who performs a law-bidden deed, which therefore he is in duty bound to perform, acts more or less meritoriously than he who does the same of his own volition, without being obliged thereto. R. Chanina maintains that he who fulfils the law resting upon him as an obligation is greater than he who fulfils it though it is not binding upon him. R. Joseph, it is reported, at first entertained the opposite opinion, but when he heard R. Chanina's, he assented to it, and the latter may be considered the predominating and authoritative opinion, as appears from the fact that it was frequently quoted and never disputed.[1]

The legality of an act establishes its ethical character. Footnote: The Pauline doctrine.

[1] See *Kiddushin* 31[a]; *Baba Kamma* 38[a] and 87[a]; *Abodah Zarah* 3[a]. See also Appendix No. 32, p. 257. It is not improbable that the notion of lawfulness attained to precision through polemics against the Pauline doctrine, which, we know, resisted the law brusquely. It assumed that sin exists only through

Various motives for obedience.

§207. Not that the content of the laws was underestimated by the Rabbis. This was impossible, if only for the reason that in their sayings ethical considerations and considerations of a psychologic and pedagogic nature were barely distinguished from each other; sometimes their thoughts

the law (see Romans 7: 7, and 1 Corinthians 15: 56). Yet Paul does not care to give up fulfilling the law by the avoidance of sin, in other words by "obedience" (see Romans 6: 14 *seq.*), and his position is adequately explained by his purpose above and beyond everything to be an apostle to the heathen.

The subject requires a sort of historical investigation which cannot be undertaken here, because it necessitates leaving Jewish ground. Only this shall find mention here: the strongest opposition to the Pauline doctrine is conveyed by a saying of Issi ben Jehudah (see *Mekhilta Mishpatim*, ch. 20) in which law and holiness are put on a footing of equality: "Whenever God gives Israel a new law, he increases Israel's holiness." I fail to find a reason for Issi's various names (see *Yoma* 52b); in any event, he is a contemporary of Simon ben Yochai (see Bacher, *Agada der Tannaiten*, vol. II, p. 373), hence the quoted saying probably belongs to the early days of the promulgation of the Pauline doctrine.

were fixed upon the ethical requirement, sometimes upon the promotion of the good.

In recent discussions of the notion of the lawfulness of action, its conformity with the standard of duty, attention has been paid chiefly to the simple opposition between duty and inclination. The Rabbis had no such limited view of the subject; they considered a variety of factors.[1] A moral act may correspond to a spontaneous, natural inclination, it may have the assent of reason, its performance may be accompanied by joyful feelings. Again, intellectual sanction may be given without or even in opposition to natural inclination, but even when reason refuses assent, obedience to the law and, on account of obedience, joy in the fulfilment of the law are possible. Furthermore, though a law has a well-known, rational motive, obedience

[1] The various discussions of the point by Maimonides are collected by Rosin in his *Ethik des Maimonides*, p. 92 *seq.*

may still be paid without reference to the motive.

In point of fact, even when a reason was explicitly stated for the promulgation of מצוות ("commands"), or was supplied later, the Jews usually heeded them, not on account of this reason, or induced by it, but only because fulfilment of them was in conformity with law. Obedience was more than an ethical requirement, it was the actual, psychologic reason for the execution of the law. Obedience grew to be inclination—an inclination as strong as, often, indeed, stronger than a natural inclination can ever be.

Lawfulness and autonomy.

§208. The exalted place assigned to the obligatory (מצוה ועושה) as compared with voluntary moral acts reveals the fundamental principle: legal action, conformity of action with law, is demanded without any reference whatsoever to the purpose of the law, for the moral is to have no purpose but morality itself; it is to be purged

of all other, all subordinate purposes. This we have seen (part 1, §100) to be the true meaning of the opposition between the autonomy of morality and the heteronomy issuing from the pursuit and dominance of any other purpose, and this profound meaning of autonomy remains valid for the Jew even though with him obedience manifests itself as obedience to God and to the revealed law.

The formal principle is the fixed and constant element.

§209. Considered from the scientific and, so far as Judaism is concerned, from the historical point of view, the principle of lawfulness, the formal principle embodying the obligation to be moral or to desire the good, is, of all the principles of ethics, the only fixed element. The content of the good, of the law, is capable and in need of change, modification, development; but the duty to will what mind and conscience have honestly recognized as the good neither requires nor permits variation. As this duty remains the same in all circum-

stances, so it is at all times applicable. Every hour of human existence offers some opportunity to fulfil one or the other moral requirement, though it be nothing more than the conscious avoidance of the prohibited.

It is at once personal and objective.

§210. It appears, then, that the Rabbinical view invests the personality of the human actor with the highest importance and dignity. In accordance with the injunction, "that you may be holy" (והייתם קדושים), it looks upon the development of personality and its assertion as the aim of all activity. Yet license is given no scope in the system of the Rabbis; the opposition between subjective personality and objective reality disappears of itself, for the true essence of the moral agent is the law,[1] to be comprehended by the mind, cherished by a heart filled with noble emotions, and fulfilled by the will and in the deed. In a word, the moral is essentially a matter of

[1] כי הם חיינו ("for they are our life").

personality, though at the same time it is wholly objective. It reveals itself only in man's liberty, yet it is independent of caprice. As man in his arbitrariness may violate a law of nature without in the least affecting it, so his arbitrariness is powerless to produce any change in the moral idea.

The place of the feelings in the moral sphere.

§211. In many quarters attempts have been made, first to construe the notion of lawfulness as equivalent to the notion of external legality, and then to deny its ethical value. The true idea of lawfulness as an efficient instrument to produce a moral life is very much in the same case as the true idea of religion in its relation to religious opinions and practices. It is a truism that in religion the greatest stress is to be laid upon the feelings. Genuine piety consists, not in the intellectual grasp of dogmatic concepts, not in devout acceptance of certain doctrines, and the execution of prescribed ceremonies, but in the exaltation of soul, the devotion of self,

which are experienced spiritually as religious feelings.

In the moral sphere, too, feeling is of decisive influence. Though the rule of action framed in precise words (in Talmudic parlance, the Halachah) be the element of immediate importance in all moral cognition, and a will calculated to produce energetic action be the most sterling and valuable element in moral conduct, yet the perfect flower of morality is not unfolded without the liveliest stirring of the moral feelings. "The All-merciful requires the heart,"[1] says the Talmud with emphasis. Cognition of the law and action in conformity with law should become a matter of the heart. Lawfulness as an ethical conviction

[1] רחמנא לבא בעי. The Talmudic לבא rarely reaches the inclusive meaning of the Hebrew לב, which comprises the whole of the world of psychic phenomena. As a rule, the Talmudic expression approaches the modern "heart," primarily indicating inner conviction as contrasted with external deed. (See *Sanhedrin* 106b; *Berakhoth* 20a in the Munich MSS.)

means more than knowing the law with clear insight, more than bringing about its fulfilment with energy; it means embracing the law with emotion, and being animated with the longing to see the law attain to supremacy in the world and in ourselves, so that our whole life may be ordered, guided, and enriched by its fulfilment.

Feeling the intermediary between idea and act. The gauge of value.

§212. The heart is the mediator between the idea and its realization, between the intellectual perception of the moral ordinance on the one side, and volition on the other. Only the soul stirred, permeated, and exalted by the emotion of morality imparts illuminating power to the notions contained in the law, and transmutes the manifestations of the will into conduct instinct at once with energy and with dignity. The rigid form of the Halachah, which naturally addresses itself first to the will and to energy, might seem to indicate that the moral feelings, the inner convictions, are neglected; but there are

unmistakable evidences of the contrary. Though feelings cannot be created by dictation, they are explicitly demanded in that they are made the condition regulating ethical values, as, for instance, in the saying: "Deeds of good-will and charity are valuable in proportion to the love from which they flow."[1]

Things bearers of the moral idea. The coin destined for alms.

§213. One of the most hallowed elements in the notion of lawfulness is the idealization of material, concrete things. Objects which are the end or serve as the means of the fulfilment of the law are, as it were, stamped with the seal of the idea.

Lawfulness sometimes goes to extremes, descends to trivial externalities, and that in the most unexpected relations. For instance, a coin laid aside with the intention of bestowing it as alms may be replaced by another so long as it has not been put into the hands of an almoner; thereafter "it may

[1] לפי חסד עיבה, by R. Eleazar. See *Sukkah* 49b; also Appendix No. 33, p. 260.

not be exchanged for another."[1] The recondite meaning of this unseemly punctiliousness should not be misconstrued. By its surrender to the guardian of the poor, the money has been consecrated; the tangible thing is become the exponent of the moral idea of benevolence. It has been raised out of the physical sphere of its origin, and received into the covenant of the spiritual realm. Therefore it may not be put to ordinary uses until the moral deed for which it was set apart has been executed through its instrumentality.[2]

[1] Maimonides. The oldest source of this thought is Lev. *27*: 10, which refers to animals intended for sacrifice.

[2] It is a common experience that men are inclined to transfer the idea to its concrete vehicle (see §182, p. 10). Under this head comes the veneration for mementos and relics. The pen with which a document of political importance has been executed, or which has served the inspiration of a poet, is cherished and displayed as a treasure. In any of these cases, exaggeration is apt to lead astray. True idealization consists in regulating action according to the standard of the idea, and shaping material

The laws do not serve egotistic purposes.

§214. That the laws are not intended to bring about the gratification of the material needs of the individual or of the community is plainly conveyed by the simple expression, "The commandments are not given for enjoyment" (מצוות לאו ליהנות נתנו). Yet both the Scriptures and the Rabbinical writings consider it the distinction of the laws that, not only do they give the opportunity for formal obedience, but by their content they establish a connection with life and its purposes. Not to fulfil these purposes, but to ennoble each and raise it into a higher sphere through the injunction relating to it was the law given. Again, the moral law transcends the development of man's intellectual powers and the achieve-

objects according to its form. Deeds and the means for their execution should be brought into intimate connection with the idea. But to fasten the idea indissolubly to an accidental object, when any other might perform the same ideal service, is exaggeration, in which lurks the danger of materializing the idea itself.

ments of civilization, whose value the Rabbis knew and appreciated. Admirable as they are, they are not free from egotism; in fact, egotism is their essential condition and impelling force. But pure, genuine morality excludes any basis of the law involving the gratification and interests of the ego. In an allegory, as striking as it is naïve, this thought is presented in the Talmud: The civilized peoples appeared before God's judgment-seat, and demanded a reward for their virtues and achievements. "What have you accomplished?" —"We," they replied, "have created the most useful works imaginable; we have leveled roads, built bridges, established marts for commerce between men, and erected baths and gymnasia, theatres and circuses." —"Very well, all this is excellent and meritorious, but you have merely obeyed egotistic impulses; your object was your personal comfort and enjoyment. What you have done is bare of morality, whose laws

do not stand in the service of self-gratification, but should be fulfilled for their own sake, or that man by conforming to them may be exalted into a noble, truly moral being."[1]

With reference to the Greeks, Eucken justly says: "As soon as the highly cultivated, prosperous Athenian ceased to be, and man as such became, the standard of valuation, the antique solution of the problem [of humanity] appeared inadequate.—Its inadequacy grew in proportion to the increasing seriousness of man's life-work, which expressed itself in the absoluteness attained by the moral task. The views of life held by classical thinkers do, indeed, contain a system of morality, but they merely contain it. It was left for later times to unfold its peculiarity and make it the dominant principle of life. . . Thus, at the very root of the spiritual life, innate reason developed a problem, which pushed

[1] See *Abodah Zarah* 2.

all former achievements away from the centre of existence to the periphery—which cast into the shade all the brilliant results of civilization."[1]

Eucken's thought, profound and logical, is the exact meaning of our Talmudic allegory.

The formal law an approach to the ideal and the equalization of contents of various kinds.

§215. In explaining the notion of holiness (§191 *seq.*), we dwelt upon the fundamental importance of regarding life as a complete whole, a unit, independent and absolute through the great purpose of morality. Even to the best of mankind, when the details of conduct are arranged, this thought seems a heaven-soaring, wholly unattainable ideal. The most promising approach to it is by way of the formal element in lawfulness. If man's mind and purpose are constantly directed towards the fulfilment of the law, then life, if not systematically ordered or artistically construct-

[1] Eucken, *Die Lebensanschauungen der grossen Denker*. Leipsic, 1890. P. 127.

ed, is at least uniformly permeated with the moral idea. Though they realized the ever-present possibility of slipping into a merely perfunctory fulfilment of duties, the hope of producing unalterably law-abiding conduct was doubtless cherished by the Rabbis, and it induced them to enclose and interweave the life of the Jew with Halachoth. Chananiah ben Akashiah must have had the same thought in mind when he said: "God was desirous of increasing Israel's merits, therefore he gave Israel an abundance of precepts (for study) and statutes (for execution)."[1] There is no happier experience in connection with Jewish life than the frequency of this appreciation of lawfulness, this constant devotion of the will and the attention to the fulfilment of laws. Thence follows the peculiar advantage of the notion of formal lawfulness, that before it vanishes the difference between what is great in conduct and what is

[1] *Makkoth* 3: 16.

small, between the essential and the subordinate. The whole of conduct flows from one, from the deepest source, the longing to fulfil the law.[1]

§216. The highest effect of the law, however, is reached through the unifying power it exercises. By its nature the law is universal, it exists for all. As the notion of a law of nature admits of no exception, so the notion of the moral law, of every sort of law, requires that there shall be no exception, no difference. Now, since all standing under the law are equal, since all in like circumstances are affected by the law in like manner, and owe it similar obedience, they all are bound together into a spiritual union by lawfulness—by obedient

The law makes a community out of many individuals.

[1] The Stoics tend towards the same thought, though another one of its aspects.—Again, this thought is the true reason underlying Rabbi's admonition to be as careful in the performance of an insignificant as of a difficult command (*Aboth* 2: 1). His own reason for it is made barely endurable by connecting it with Ben Azai's dictum (*Aboth* 4: 2).

inclinations and a docile will. Each one recognizes in the law the most important factor in the creation of a community. By subjection to the law, to which all owe subordination, each becomes a member of the community, in the same way as obedience to the commands of a superior officer builds up a serried host out of single soldiers.

Natural alliances and society as a moral entity.

§217. The unity of an agglomeration of people arises from various natural causes—from sameness of natural impulses, from similarity in the conditions of living and consequently in inclinations and aims, and, above all, from the natural affinity growing out of blood and race relationship. But if, besides all this, they are subjected to a common law, then they constitute a spiritual community, an animate, moral society. By the law the bonds of nature holding a multitude together are as well strengthened as ennobled and spiritualized, and conformity with law shows itself the paramount

force in the creation of a union. The law is the profoundest, noblest, most pregnant reason for the existence of the community.

Hence knowledge and fulfilment of the law are extolled.

§218. For this reason in particular knowledge of the law and its fulfilment are extolled, as man's highest distinctions, by all Jewish intellectual and spiritual agents —alike by the Torah, the Prophets, the Psalmists, and the Rabbis. The Psalms are especially suggestive in this respect. They belong to the period of the most active ethical development of the people. Inexhaustible in the effort to glorify the law, they contain (as, for instance, Ps. 119) hundreds of comments on conformity with the law in general to one dealing with a particular law or a definite practical purpose.

Law and lawfulness, by the union of individuals, create a common spirit, and so bring about the true hallowing of life.

§219. The truly ethical significance of this predominance of lawfulness as a spiritual and moral element in a union of men is manifest in the circumstance that, though it strengthens the bonds of nature, it at the

same time levels the barrier raised by nature. The law is declared to be the same, not only for natives and race-brethren, but also for the sojourner and the alien. So it breaks through the wall of separation erected by nature, and places human society upon a deeper and firmer basis. All creative activity in nature consists in producing new forms of existence—new beings and their new functions—by means of new, prolific combinations of the given elements and the elemental individuals. The law, the Torah, morality (objective), and lawfulness (subjective) execute an act of creation, the loftiest imaginable by the human mind: by combining the given individuals they bring forth the sublimest of all formations in the universe, the inner, spiritual, moral union of a community—a community whose co-operation for whatever purpose derives value and dignity from the lawfulness common to all its constituent members. Concerted action, the union of the subjective

and the objective, regardful of the claims of nature, yet transcending nature, through the law and for the law—this is the true sanctification of human life.

CHAPTER VI

Natural Law and Moral Law

Unchangeable laws operate in nature.

§220. According to the Jewish conception the universe is the universe created by God; yet it does not merely exist, it is instinct with vital force and action. Out of the original chaos God formed a cosmos: even matter is subject to fixed regulations and imperishable laws. Individual creations and the phenomena connected with each may vary and change. Day and night, cold and heat, summer and winter, development and decay, life and death, follow close in each other's wake; their mutation, however, is a permanent institution, a regular course. The universe, or nature, is an efficient organism, maintaining constancy of existence and of operation in the midst of all its varying phenomena. Though the definite and inflexible notion of natural law

to which we of the present day have attained was not known in Bible times, yet there are many Biblical passages to show that it was recognized as a principle operating according to unalterable rules. The "statutes of heaven and earth" (חקות שמים וארץ)—"heaven and earth" being an expression for the universe—are again and again designated as immutable.[1]

Natural law and moral law; the moral reason and the natural cause. Footnote: on natural law and miracles.

§221. The same thought is frequently and simply expressed by the Rabbis: the world, the universe, nature, they say, travels its accustomed, its appointed and uniformly regular course (עולם כמנהגו נוהג)—a thought that is made clear and at the same time is practically applied in the reference of the Rabbis to the opposition between the laws of nature and the moral constitution of things. The two orders may come into conflict with each other: according to the law of morality a given

[1] See Gen. 8:22; Jer. 31:34, 35; Ps. 104:9, and other passages. See also Appendix No. 34, p. 261.

act ought to be able to produce a given consequence, but it may happen that in nature and according to her law this consequence cannot take place. For example (one of many instances): "Stolen seed sprouts and grows as healthily as seed honestly acquired."[1] In their essence, and hence in their operation, the ethical reason and the ethical consequence must ever remain different from the natural cause and the natural effect. The moral order of things is never calculated to disturb and interrupt the natural order. Nature persists in her absolutely unvarying course, from which God the Almighty himself does not deviate even when a moral law would seem to demand it. Simon ben Lakish is credited with a saying of striking force: "God says: Not enough that the wicked make my coin of base metal, they needs must force me to stamp it with my seal." The course of nature, which permits the im-

[1] *Abodah Zarah* 54b.

moral act to produce precisely the same result as the moral act, seems fairly to mock at ethical law. The Jewish elders at Rome gave a simpler answer to the philosophers. The Romans asked: "If your God despises the worship of idols, why does he not make idolatry (physically) impossible?" To which the elders replied: "Why, even the sun, the moon, and the stars are objects of worship. Should God destroy his beautiful world on account of fools? In spite of them, the world persists in its wonted way."[1]

[1] *Abodah Zarah* 54[b]. It is proper to say that side by side with this view appears the dogmatic opinion of God's interposition in the fortunes of man by means of miracles. The ethical attitude of Judaism is, however, not modified by this idea. In fact, when man's resolutions are under consideration, dependence upon miracles is severely frowned upon.—From early times up to the present day, the Rabbis and the Jewish philosophers have pleased themselves with manifold attempts to resolve the contradiction between natural law and miracles. In so early a document as the Mishnah occurs the favorite solution: that at the time of creation the miracles that determined the course of later his-

The relation of holiness to nature. The holy, the unholy, the secular.

§222. The most important point, then, in the Jewish doctrine on the relation between nature and morality, or the holiness of life, is that the moral does not involve the rejection, the combating, the destruction, or the despoiling of nature. The moral neither is, nor grows out of, opposition to nature.

A precise definition of the concept must primarily take note of the circumstance that the opposite of the notion of holiness is not a simple idea. It cannot be exhaustively conveyed by the unholy, for unholy may mean one of two things, the non-holy, the simply secular, or that which is desecrated and desecrating, which is opposed to the holy in an active, efficient way. In other words, three sorts of existence or activity must be distinguished: the holy, the

tory were brought forth, and were formed in such wise that they did not interfere with the law-regulated order of nature, but were made part of it. See *Aboth* 5:9; *Bereshith Rabbah*, ch. 1, on Is. 65:17 and 66:22.

unholy, and the secular, the last being neither holy nor unholy. In the same way, consecration implies a threefold concept: the consecrated, the unconsecrated, and the desecrated and desecrating.[1] Rabbinical language has equivalents for the three ideas: the two terms קידוש ("the sanctified") and חילול ("the desecrated") oppose each other, and between them stands חול, the purely "secular," or non-holy.

§223. In the Jewish view nature is by no manner of means regarded as unholy. Every discussion, in fact, pushes into the foreground the idea that nature is God's creation, "his handiwork." This in itself is sufficient to indicate that as nature is not to be deified, so she is not to be considered

Nature—and matter—not unholy. Examples and proofs.

[1] Logical formalism does not admit of a description of the secular as contrary, and of the unholy as contradictory, to the holy, for even a simple negation is contradictory. The secular may, however, be denominated the pure and simple negative, and the unholy the active or positive negative. In relation to the holy, the unholy is not only the idea negated, but also the negating idea.

godless, god-forsaken, arrayed against the Divine.

Many peoples and religions have conceived that in its content and by its aim every effort put forth by man to reach a state of spiritual elevation is a conflict with natural, physical existence. Occasionally such religions have become the basis of philosophical systems, or they themselves have been brought to a higher state of development under the influence of philosophical thought. Thus the notion of the vileness and vanity of nature became deeply rooted, and was spread abroad in enlarging circles. Criticism of these religious and philosophical systems is aside from our present purpose; it is incumbent upon us only to state in positive terms the religious, and more particularly the ethical view of Judaism as to its relation to nature. That nature, the universe as a whole or matter in particular, is unconditionally opposed to the ideal, that it is naught, is worthy of annihilation,

and contemptible in itself—of this Judaism has not a word to say. Neither nature nor matter is unholy. Even the lifeless body, the corpse, the carcass as such is not considered unclean. No less distinguished an authority than R. Jochanan ben Zakkai taught that its uncleanness arises from legal institution, from divine declaration (see §178). At first sight it might seem as though the Jewish view held certain ones at least among material objects and natural processes to be essentially unholy and unclean, and that, therefore, it becomes part of man's ideal task to avoid and overcome their profaneness and uncleanness. The code, in point of fact, in so early a form as that given in the Torah, is very full upon the subject of sanctified things and purifications (קדשים וטהרות), and later it was elaborated to a high degree in this direction. Quite apart from Ben Zakkai's explicit declaration, however, evidence can be adduced that uncleanness was not supposed to rest upon innate peculiarity, and the struggle with it is neither

a human nor an Israelitish task. If the theory had been other than this, the laws of clean and unclean would not have been declared void of binding power outside of the (holy) Land. Sanctification and uncleanness, then, grow out of the law given for the Land, beyond whose borders they have no validity. Of the ethical laws, however, not one was confined to the Holy Land. If Akiba, clear-minded, practical, and energetic, even after the destruction of the Temple and the loss of political independence so searchingly and zealously occupied himself with ritual questions of the kind mentioned that scientific contemporaries could rally him upon the subject,[1] his devotion to them must be taken merely as an indication of his confident hope in the restoration of the Temple and the State, a hope to which were dedicated his ardent longings and his varied powers. However,

[1] See *Sanhedrin* 38[b] and 67[b]; *Chagigah* 14[a], and elsewhere.

though states of cleanness and uncleanness be known to depend, not upon essential qualities, but upon revealed laws and regulations, the reason for the laws remains matter of conjecture. The Talmud itself looks upon them as unsearchable mysteries, and applies to them the words of Ecclesiastes (7:23): "I said, I will be wise; but it was far from me." Let none attempt to corroborate his own opinion by adducing a quotation from some author, early or late. Nowhere more than in connection with these obscure matters has subjectivity had free play, now accepting, now rejecting reasons in general or some reason in particular.[1] We can take into consideration only the outcome of currents of thought in the aggregate, the outcome that reveals itself in the confirmation of some laws and in the abrogation of others. According to our present mode of thought, it admits of

[1] However, compare *Pesachim* 119ª on מגלה טעמי תורה

no doubt that the laws on injuries (*Negaim*) to the human body, to houses, and to clothes, originally had a sanitary or medical reason. But most decidedly the Rabbis were not of this opinion, else these laws—like the laws concerning *Terefoth* (forbidden food)—would have had to remain in force "outside of the land." Likewise, the ordinances concerning menstruation have been preserved, and have been considerably reinforced, but similar ones relating to men (Lev. 15) have fallen into desuetude.

Nature may become holy or unholy.

§224. Nature, then, is not unholy. All that can be said is that she is not yet holy. By connection with ethical ideas or with statutory provisions, she, or parts of her, may become holy. A locality, a building, a physical act may come to have a holy character by serving the cause of inner holiness. In the same way they may become unholy. Not that matter or the earth or the soil can be rendered unclean in the ethical sense; nor is a land or a city dese-

crated by mere physical, sensuous living; abominations of immorality alone defile it (see Lev. 18:25-28; Ezra 9:11).

Beauty a quality desired of God.

§225. Even beauty, so often disparaged by other systems, and charged with seducing to sin, is in Judaism considered of divine creation, a quality of things and persons desired of God. Struck by the extraordinary beauty of a heathen woman, R. Simon ben Gamaliel exclaimed, in the words of the Psalmist: "O Lord, how great are thy works! in wisdom hast thou made them all."[1]

God and the world from the religious point of view.

§226. In religious phraseology the thought would read: Without God the world is profane; conceived as God's world, as the object, the opportunity, and the realm of beings and forces, in and through which the will of God is to be realized, the world is holy. The Prophets and Psalmists bodied forth audacious images of the manifestations of the Divine; but they con-

[1] Ps. 104:24. See *Abodah Zarah* 20[a].

tain or stimulate sublime and suggestive thoughts: the pure idea as God's heavenly throne, the earth as his footstool. In connection with this take a passage like that in Psalm 85: 11, 12. Zeal for truth, faith, devotion—they rise aloft from out of the midst of earthly turmoil, above the confused activities of men; and from heaven, salvation, victory, justice, the idea, look down upon them.

Morality not a working out of nature; the latter in the service of the former.

§227. Natural existence and the natural course of events are the soil and scene on which man's ethical life unrolls itself. But the ethical life is not merely a part, a continuation of the natural life. Morality is not a working out of cosmic life impulses, standing to them in the same relation as, for instance, the animal kingdom stands to plant life, or the plant to the mineral kingdom. The task of ethics neither shall nor can be fulfilled of physical necessity; it must be fulfilled through moral liberty. The Jewish view looks upon nature as bound

over to man's service. To his preservation, to the exercise and use of his powers, she is essential, and no less to the display of his intellectual distinction and glory (Ps. 8 and Ps. 104). That nature and her laws are subject to man's bidding is obvious. All his acts of interference with the natural course of events for the purpose of deriving advantage from the latter—when he ploughs and when he sows, when he plants and grafts, sinks mines and digs wells; when he turns raw products to valuable account in the industries and the arts—all these prudential acts are executed, not in contradiction to, but in agreement with, the natural law recognized as such by his reason.

Civilization in the largest sense is the technic of life and the natural condition of the ethical.

§228. When the special precepts for the shaping of conduct come to be discussed, it will appear that the ethical task includes knowledge of the course of nature, tilling of the soil, and cultivation and refinement of its products. No need to mention that

it likewise includes the necessity of developing the mind and its capacities in the midst of existing physical conditions and transcending them. But in all this, as in his social and personal relations, man depends upon given natural conditions, which, by reason of this very dependence, he is to control with cunning and regulate with conscious intent. In a word, an inclusive and deep-reaching technic of life, viewed as a means, forms part of the tasks of the ethical life, inasmuch as it is the condition indispensable to a successful pursuit of the ethical vocation. But all technic, in the widest acceptation of the term, requires fostering industry and progressive improvement. Thus the Talmud teaches that four things stand in need of particularly energetic care, among them civilization, which includes the production of works of culture, the arts, the trades, and commerce.[1]

§229. But even when the natural life

[1] See *Berakhoth* 32b, צריכין חיזוק ד׳.

The course of nature and the technic of life do not constitute the whole man.

reaches perfection with all implied by perfection—the successful moulding of material circumstances, the advantageous cultivation of intellectual gifts, the establishment of order and co-operation among social forces—even then it does not touch the purpose or strike the aim of human life and human strivings. The technic that is most complete, and is wholly in harmony with natural law is far from being equivalent to the ethic of life. When the Greeks, whose attention and identity were entirely bound up in nature, reached a higher plane of intellectual activity, they ceased to rest satisfied with the attitude that made them a constituent particle of nature, and considered the natural development of that particle a worthy aim. "Desire for knowledge had carried speculation beyond the range of the indigenous Greek ideal. In the universe as a consummate work of art the individual appears as a subordinate detail of the whole, hedged in and controlled by its

regulations. Scientific research, on the other hand, throws him entirely upon his own activity, and demands independence greater in proportion to the effort expended in traveling the path from seeming to truth. If the thinker had been forceful enough to repudiate as a failure the life satisfactory to the average man, and build up a new life before his mind's eye, could he, after so tremendous an expenditure of spiritual force, fall below his own achievement, and again lose his identity in his relation to the world?"[1]

It is not the charm and the value and the throes of speculation, nor even the fulness and the energy of their widely different intellectual activity that rendered it impossible for the Rabbis to conceive of man's life as co-equal with his natural existence. But the idea was repugnant to them by reason of their spiritual apprehension of the sanctity

[1] Eucken, *Die Lebensanschauungen der grossen Denker*, p. 127.

and the dignity of the moral, an apprehension allied in character with their studies. The interpretation of the Preacher's words (Eccles. 1:3 and 1:9) was quoted before (part 1, §§ 15 and 118): a man hath no profit, no advantage under the sun, that is, in the natural course of things; whatever results from his labor is above the sun.[1] The most finished development of all biologic and all psychic powers does not bring out the true and peculiar meaning of human existence. The material, the natural, produces only fleeting results—preservation of life and gratification of the senses. And on the shortness of human life and the evanescence of human joys and pleasures, Jewish ethics lays much stress, as every true ethical system must, if it would steer clear

[1] *Vayikra Rabbah*, ch. 28; *Sabbath* 30ᵇ. The comments and quotations by Rashi in connection with the above passage from Ecclesiastes and 12:13 of the same book (כי זה כל האדם) variously express the same thought, that only in the ethical law the value and the purpose of the natural law are made visible.

of false standards of valuation. Natural life, then, and its results are transitory, only the mind with ethical aptitudes grasps and creates the durable, the permanent, the eternal.

The natural world the material and the occasion for the moral world.

§230. Thence arises the fundamental view, that the whole machinery of the natural world is but the material and the occasion for the display of the moral order of things—an idea that is maintained with full consciousness of the fact that only an infinitesimal fraction of natural objects, forces, and substances serves moral ends directly. Comparatively few molecules of the enormous quantity of oxygen that permeates the terrestrial atmosphere are dignified with the mission of invigorating human blood, and so entering as efficient agents within the confines of the spiritual realm. Yet the service rendered by them would surely be designated the most distinguished virtue of oxygen. In the form of an allegory, Rab, as reported by R. Je-

hudah, expressed the same idea. "Daily," he says, "a voice calls out aloud proclaiming: The whole world is fed (supported) for the sake of my son Chanina, yet my son Chanina contents himself from Sabbath eve to Sabbath eve with a basket of St. John's Bread (*Charubim*)."[1] In various turns of expression, the fundamental thought is urged, that the moral ideal is a phenomenon transcending the universe of natural objects and seeking to realize its own, the very highest purpose. This, for instance, is the meaning of the saying: "Every human being is obliged[2] to believe that the world was created for his sake." For the individual, conceiving himself to be an ethical person in the true sense, is called upon to supplement the creation of the world by the creation of his character. In every individual as creator and as agent of

[1] See *Berakhoth* 17[b]; *Chullin* 86[a].

[2] Mark well—not permitted, but commanded! See *Sanhedrin* 37[a].

morality, and only in such a one, the world-purpose is achieved.[1]

Quotations from Kant, Simon ben Lakish, Dimi bar Choma.

§231. In view of the fundamental importance of the relation of the ethical to natural existence and to the natural course of events, it is proper to cite some of the Rabbinical sayings that convey the above thought in manifold forms, though with but slight variations of content. The frequent repetition of this primary principle in the Rabbinical writings proves that the authors were acutely aware of the telling difference between the moral doctrine that

[1] A statistical hypothesis of moral purport set up by R. Eleazar ben Simon is of extreme interest. He tries to inculcate virtue by enjoining every man to consider that his individual moral attitude may be of decisive importance in determining the ethical status of his generation. If, for instance, at a given historical moment, the virtuous and the wicked were exactly equal to each other in number, one individual would turn the balance, and his conduct would stamp his age as good or as bad. The social-ethical point of view shows to favorable advantage in this naïve statistical assumption. See *Kiddushin* 40b.

is based upon a purely ethical reason on the one hand, and on the other all utilitarian, naturalistic, and eudæmonistic systems. A sentence by Kant may serve as the focus of all these Rabbinical sayings—Kant, the original, genial thinker, never perhaps more original and genial than in the sphere of ethics. His sentence expresses in simple, crisp words the same idea as the Rabbis doubtless meant to convey by their poetical and allegorical dicta.

"If justice is perverted," says Kant, "man's existence on earth is of no value."

R. Simon ben Lakish expresses almost the same thought: "God made a compact with the universe he created: If the children of Israel—and through them all the nations—accept the Torah, the moral code, well and good! Otherwise I shall resolve you into chaos again."[1] In Kantian phrase, the existence of a world were "of no value" then. R. Dimi bar Choma puts

[1] *Abodah Zarah* 3ª.

it more fantastically and less universally: "God inverted Mount Sinai over the congregation of Israel, and said: If you accept the Torah, well and good! If not, this shall be your grave."[1] Again, as Kant would have said, the existence of the people of Israel were "of no value," if they did not accept the Law, if they did not lay hold on the ideas of morality, whose development, dissemination, and realization alone form the nucleus and the reason of their peculiar existence.

Eliezer ben Hyrcanos, Meïr, Raba, and R. Nehemiah.

§232. R. Eliezer ben Hyrcanos expresses the same thought in directer language: "Great is the Torah! If it were not for the Torah, for the moral law, heaven and earth would not continue to exist."[2] R. Meïr said of him who occupies himself with the Law for its own sake, not for selfish, or ambitious, or other by-purposes, "the whole world, as it were, exists for him

[1] *Abodah Zarah* 2[b].

[2] *Nedarim* 32[a]. See Appendix No. 35, p. 263.

alone."[1] Raba's saying presents another phase of the same shade of the thought: "If a man does moral deeds, but not from moral motives, it were better for him had he never been born,"[2] for, as man is destined (was born) for the moral world, for the second world transcending nature, he does not fulfil his destiny whose motives are not moral. His acts count as nothing more than an element in the natural conflict of interests, a peg in the mechanism of the natural order of things. Finally, mention must be made of R. Nehemiah's version: "A solitary man is equal in value to the whole of creation."[3] That not an individual is meant, but man, the human being, humanity, the human kind represented by one specimen, appears from the reference to Genesis 5: 1, Ben Azai's interpretation of which has been mentioned as

[1] *Aboth* 6: 1.
[2] *Berakhoth* 17ª.
[3] *Aboth de R. Nathan*, ch. 31.

of fundamental importance (see part I, §144, p. 194).[1]

History of the natural and of the ideal course of things; their blending.

§233. From this view of the relation of morality to nature, it follows, then, that the real world, with its beings, its materials, and its functions, should be considered subservient to the moral order of the world. The sphere of real things forms the soil out of which the ideal world grows up and the occasion of its appearance. The ideas that are evolved by honest and energetic thinking assert themselves as rules, convictions, and expressions of the will, affecting even man's physical movements. They spiritualize, irradiate, and refine all forms of natural existence. The history of natural events is supplemented by a history of moral life. The latter is enacted within the former, but it follows out its own peculiarity, and is moved by its own force, rising above the natural life by virtue of its own incomparable worth.

[1] See Appendix No. 36, p. 265.

It is noteworthy as a psychologic fact that the spiritual, the emotional, and even the historical life of man maintains an intimate connection with the external nature surrounding him. In the exuberance of his soul-life he transfers a sort of spiritual consciousness to the material objects that are the witnesses of his psychic experiences, and endows them with a sort of sympathy with the fortunes that befall man. "The congregation of Zion," says August Wünsche, "draws the whole of surrounding nature into participation in its joy; it desires nature to become identified with it in its exultation. This oneness of man with nature in his most lively feelings is one of the idiosyncrasies of the Biblical view of nature."[1]

Evil as a means of producing ethical impulses.

§234. Not only the phenomena that directly serve a useful purpose, and subject

[1] August Wünsche, *Die Freude in den Schriften des alten Bundes.* Weimar, 1896. P. 13 *seq.*

themselves to moral standards, are considered the reason and the opportunity for the production of ethical impulses and the application of ethical convictions, but also such facts as, from the human point of view, are disadvantageous and inefficient. Many are the evils of this world: disease, failure of crops, conflagrations, inundations, earthquakes, devastation by locusts, etc. The Rabbinical notion is that misery and distress exist chiefly to be alleviated by the good among men.[1] The fates of human beings are not alike; they differ as to strength, possessions, and the events of their lives, "so that love and beneficence may have the opportunity to translate themselves into acts."[2]

§235. Not with sudden, fleeting emotions and not with lightly woven thoughts did the Rabbis overcome the pain of living.

[1] *Baba Bathra* 10a.

[2] *Shemoth Rabbah*, ch. 31. There is, by the way, no more excellent and no nobler theodicy.

Like all whose thought is the result of experience coupled with earnestness, they were oppressed, as with a grave problem and a heavy burden, by the evanescence and frailty of man, by the flux and destruction of all finite things. There is a most touching narrative of the visit paid by R. Jochanan to R. Eleazar on his sick-bed, of the conversation held between them, and the tears they both shed because even beauty of the highest order must perish.[1]

The ethical value and result of suffering. Against pessimism.

But in countless passages in Talmudic literature, the thought rises triumphant of the incomparable ethical value and outcome of suffering—a thought that rendered pessimism impossible, impossible in those times and impossible in a set of men who, because they were spiritual leaders and representatives, had to suffer more even than the mass of the people, more perhaps than men at any other time or at any other

[1] See *Berakhoth* 5b.

place have had inflicted upon them by their fellows.[1]

Suffering a means of ennoblement. Martyrs.

§236. The thought was: evil and sorrow exist in the world as a permanence; they never disappear. Suffering stands by the very side of joy—the joy in God, on account of the adaptation of nature to her purposes and the loftiness of man's vocation. But, like joy, suffering should be instrumental in bringing about the ennobling and spiritualizing of man. Scripture connects the fact that human society will never lack needy members with the injunction relating to charity (Deut. 15 : 11). In this way, the unending war waged by love against suffering was constituted a duty. It is not necessary to demonstrate in detail how various virtues spring from suffering. Reality and art find the deepest import and the

[1] By the side of the views held by these Talmudic authors, the pessimism of our century, self-satisfied and smug, appears, to use a mild expression, a faint and pallid shadow.

noblest forms of life in its tragical elements. Enduring and struggling on the one side, devotion to mankind on the other; but no less devotion to God as the source of the most exalted and most efficacious ethical growth. According to Rabbinical interpretation, the poet entertained the bold conception that God desires to be united with man in his suffering, desires to suffer with him.[1] Man, in turn, proves his devotion chiefly by suffering, by the extremity of suffering if need be, the sacrifice of life itself (comp. part 1, §33, p. 40). In martyrs—and the class had numerous representatives among the sages of the Talmud—humanity celebrates its highest ethical triumphs. Valuation of the ideal beyond all mundane possessions, beyond life itself, unconditional loyalty, obedience enduring to the very last, sublime patience in suffering, and at the same time efficacious influ-

[1] Ps. 91:15 and Jerusalem *Sotah* 9:11 on Ps. 78:65.

encing of contemporaries and posterity—this is the ethical content of martyrdom.[1]

Common suffering a stronger bond of union than common enjoyments. Suffering and love.

§237. The most important aspect of the ethical significance of suffering can be adverted to but briefly in this place. The highest ethical principle underlying the relation of men to one another, as has been said before, is their social union. Throughout the whole of life, in every one of its acts, the impulse towards union and association should assert itself. But men should and can co-operate with one another not only for practical and ideal purposes, they also should and can undergo suffering together. It is going too far to found the whole structure of ethics upon compassion,[2] but that common suffering supplies a stronger bond of union than common pleasures or even common activities is a fact repeatedly illus-

[1] Which may not be underestimated nor disregarded by teachers of ethics who are agnostics, or who go a step further and entertain hostile feelings towards religion.

[2] As Schopenhauer has done.

trated in the history of nations, and in none, perhaps, more strikingly and more frequently than in the history of the Jewish race. Nothing, therefore, was so severely censured by the Rabbis as egotistic unconcern in times of public sorrow. Such withdrawing from what affects the community is virtually renunciation of man's true distinction.[1] Suffering and love are complementary to each other: love, it is enjoined, should be shown first and foremost to the sufferer, suffering should arouse and claim love. Such is the universally promulgated doctrine of Judaism.

§238. If, now, we turn to the consideration of human nature in particular, we find that Judaism nowhere considers it unholy,

[1] *Taanith* 11ª; *Semachoth* 2: 10, and elsewhere. According to the explanation of the Midrash, it was on account of her praiseworthy conduct in refusing to separate from Naomi when the latter was in trouble and distress that Ruth the Moabitess was favored to become the ancestress of the royal singer and of the Israelitish dynasty of kings.

Human nature not unholy in its essence. Meaning of *Yezer*.

or unclean, or godless. The play of instincts in man's dual organism, in his intellectual and in his physical being, is the original source of its activities, its inclinations, its aims, and doings. *Yezer* (יצר) is the usual name for instinct, that is, the instincts collectively, but because the earliest passage in which the word occurs ("for the יצר of man's heart is evil from his youth," Gen. 8:21) coupled it with רע ("evil"), it has to some extent become customary to call man's instinct the יצר הרע ("the evil impulse"). It should be noted, however, that the expression is used by way of excuse rather than as an accusation against man; in his יצר, his instinct, lies the cause of evil. Yet his instinct is not only and not always "evil." By the side of the יצר הרע, Judaism as an ethical and a psychologic theory from the first placed the יצר טוב, the good instinct, the impulse towards the good. The phrase, especially in the mouth of the Rabbis, means nothing more nor less

than man's vital and active impulse in general, the energy of his life-supporting and life-producing force. This fully justifies the Talmudic saying: "If one man is greater than another, then also his יצר, his original—including his physical—energy, his thirst for action, is greater."[1]

The law the corrective of the natural instinct.

§239. The most important factor, however, in the Rabbinical view of man is not that his natural instinct is twofold, and that from the first the evil impulse was held to be accompanied by the good impulse. There is another, a more universal and more comprehensive thought: "God created the evil impulse, but he also created the Torah, the moral law, as a spice (remedy, antidote, corrective) for it."[2] It is not

[1] *Sukkah* 52ª. In recent days it has often been said that the measure of passion corresponds to the measure of genius; the above saying of the "old one," the epithet of its anonymous author, is more discriminating and more to the point. Not passion, but energy, is the condition of human greatness.

[2] *Kiddushin* 30ᵇ; *Baba Bathra* 16ª.

a question of man's natural aptitude, not even of his aptitude for good. The law that releases man from the trammels of the natural instinct, the creation of the moral element transcending the whole of nature—this is the momentous consideration.

The materialistic currently taken to be the opposite of the moral.

§240. One of the most flagrant errors, and an error of wide acceptance, is the notion conveyed by the religious and ethical systems of civilized peoples that the concept opposed to the moral, to the good, to the idea, in short, is to be sought and found in the materialism of man. It is true that what obtrudes itself most readily from among the unethical phenomena of life is the materialistic. By no manner of means, however, is the materialistic alone, the materialistic because it is materialistic, to be considered the object of moral purging and chastening. The worst enemies of the idea, of every sort of true moral exaltation, are, indeed, natural impulses, though not specifically sensual or materialistic impulses.

Envy, malevolence, ambition, pride, arrogance, lust of power, vindictiveness, and above all egotism and selfishness in every form and shape, are hinderers of the idea. If these moral shortcomings often exist in conjunction with sensual impulses and inclinations, it must be borne in mind, as an offset, that to the use made of the material the noblest moral achievements owe their realization—that ideas are made tangible facts through their elaboration by the senses and their infusion into the materials of the real world.

The psychologic reason of this historical error.

§241. Historical psychology would find it a simple task to trace the origin and gradual development of this error, which consists at once in the overestimation and the underestimation of the sensuous. This is not the place to enter upon the question in detail; brief characterization of one point must suffice. In the remote beginnings of scientific investigations of the universe, we meet with the first attempts at a precise

definition of ideas, by means of which it was hoped to transform the chaos of notions and psychic stirrings into a spiritual cosmos. Now there is no better way of arriving at clearness and definiteness than by a recognition of the differences, especially the oppositions, that exist among ideas. According to Aristotle, the Greeks attributed to so early a thinker as the Pythagorean Alcmaion, of Crotona, a list of opposite concepts, such as, finite and infinite, straight and crooked, things at rest and things in motion, etc. These and other notions of opposites became the stock in trade of all thinking men, the more rapidly as daily experience endorses their correctness and adds to their number. In this way originated dual parallel series of concepts, each series homogeneous in character, because each was opposed to the other as a whole and in particulars. The suggestion lay close and temptingly at hand that the contrariety in content implied a

difference in value—that what was ranged together as of the same kind, was to be looked upon as equal in value. Take, for instance, these opposites: light and darkness, wisdom and folly, true and false, good and evil, right and wrong, etc. So far as these parallel series go, there was just reason to transfer the superiority of each member to any other on the same side of the line. They became, and to this day have remained, figurative expressions, often enough equivalent expressions, for one another. The same is true of the faults on the opposite side. But in such inclusive, sweeping estimates of a whole series lurks the greatest danger of missing the truth. A continuation of the list of opposite terms, right and left, one and many, above all (as Alcmaion himself has it), male and female, may become fatal: light and darkness, good and evil, and male and female—not only unchivalrous, but horrible!

Among the opposites impressed upon the

observer by inevitable experience were soul and body, spirit and matter, or spiritual and material. The next step was to align, on the one side, light, wisdom, the good, the spirit, and on the other all the negatives together with matter. Metaphysical speculation was supported by what experience had noted concerning the failings and the futility of all natural, finite organizations, and so the body, man's sense nature, came to be considered vain, wicked, despicable. Simple examination of things under the guidance of experience might never, perhaps, have led to utter scorn of the material side of man. But the thought, dominating the mind of men with tremendous force, that the whole of the finite world is cleft asunder by antagonistic principles, banished the body to the realm of darkness, frivolity, falsehood, and sin.

§242. If we except a few authors, chiefly of the middle ages, who stood under the influence of foreign thought, Judaism does

not bear the taint of this psychologic error.[1]

Judaism free from the error. Not immateriality, but ideal content constitutes the distinction of the spiritual life.

The Jewish attitude in general towards life, and in particular Jewish ethics, is based upon the reality of life, and is directed towards the realization of the idea. Everywhere soul and body appear in conjunction and co-operation with each other. In the Biblical writings, for instance, though the contrast between the good and the evil is constantly dwelt upon with emphasis, the opposition between the soul and the senses is hardly ever brought out. Rabbinical literature has the same characteristic. Take the *Ethics of the Fathers*, which has been designated, not without propriety, a compendium of ethics. In its five (or six) sections occurs scarcely a single allusion to the antagonism between body and spirit.[2]

[1] See Appendix No. 37, p. 268.

[2] Ben Zoma's words (*Aboth* 4:1) prove that יצר, the impulse, is not equivalent to sensuality. As the conqueror of the יצר is he who is "slow to anger," it is plain that the opposition to the spir-

It is true that in the *Ethics* and throughout the whole of Talmudic literature intellectual and spiritual pursuits come in for the greater share of attention by far. They are paid the tribute of esteem almost to the exclusion of the inclinations, needs, and pleasures that are wholly corporeal. But the spiritual life is given the preference not on account of its immaterial quality, but on account of its ideal content. Search after the truth, exaltation of soul, deepening of the emotions, nobility of conviction, they, according to the Talmud, give life its only value and dignity. However, as was observed before, the services of the bodily functions are indispensable to study, to the Law, as well as to the "good works" that are mentioned with equal frequency. The

itual does not enter into the question, and the Scriptural quotation refers distinctly to the control of the passions, that is, only to the inner spiritual liberty of man. As little as יצר טוב means the purely spiritual, so little does צר רע stand for sensuality.

co-operation of body and soul is taken for granted, and almost nowhere is the opposition between them made the subject of ethical consideration.

The reasons of true ideality and of the attitude towards nature.

§243. On account of the ideality of content, I repeat, the Talmudists held the intellectual and the spiritual to be the higher pursuits, and in comparison with the temporariness of material possessions, they constitute the permanent element in life (see §229, p. 91). Again, like light in nature, the spiritual penetrates everywhere, unrestrained by barriers, and effects the peaceful union of souls, in contrast to material possessions, which involve men in the bitterest struggles of egotism. The results of spiritual endeavor are unimpeachable, noble, eternal. The spiritual, finally, is the specifically human, therefore the highest in the whole range of man's life, while the senses are an organ of inferior value.

Within the sphere of the soul, again, morality is the culminating achievement. But

as morality requires not alone knowledge and conviction, but also tangible actions, the corporeal powers play a part in the realization of moral principles. To sum up: the ethical doctrine of Judaism demands that man's natural impulses shall be curbed not denied, purged not rooted out, chastened not suppressed.

The limitations of the finite the source of evil. Finiteness and its consequences call forth moral aspirations.

§244. A saying of R. Levi's has been preserved which conveys a view as remarkably free from the prejudice of dogma as it is psychologically profound.

Unlike the numerous class of people who at this very day regard Satan as real and his activity as personal, R. Levi holds that "Satan, the evil impulse, and the angel of death, are all one and the same."[1] In point of fact, the limitations of the finite, the inadequacy of all phenomena and all human relations, the combating of human frailty by satisfying the numerous paltry needs of life, and as a consequence the

[1] *Baba Bathra* 16a.

struggle between men and men—these are the essence of low impulses, the source of evil inclinations, and the reason of many of man's frivolous and contemptible endeavors.

Hence the finite and its consequences form the centre and reason of moral travail and aspiration as well. Hindering pettiness—Satan in Hebrew means "hinderer"—should be overcome by grasping and keeping in mind the lofty; the evil impulse should be overcome by a good will; death and temporality by true living, by the eternal, by the idea. We saw how, in the Rabbinical view of life and things, the evils of nature as well as her gifts, the infirmities as well as the powers of the corporeal, are interwoven with the performance of moral tasks, how they are made subservient to the ends of morality, and thus are raised into the realm of the idea. The first effect of law is to infuse order, regularity, and moderation into the natural activities of

men; in opposition to the paltry and the vulgar, noble tendencies are fostered, and thus life as a whole is refined.

Joy in existence an element in an ethically sound life.

§245. The peculiar effects of this view of the relation of morality to man's nature and his physical constitution will appear in various precepts for the regulation of moral living. They will show that joy in existence, satisfaction of natural needs and inclinations, are considered, not indeed aims of life, but salutary means and results. Not only are material comfort and æsthetical pleasures not forbidden, they are regarded as integral parts of a sound, moreover, of an ethically sound life. "Every man under his vine and under his fig-tree"; "children like olive plants round about the table"; "as plants grown up in the strength of their youth"[1]—these expressions indicate the

[1] Micah 4: 4; Zach. 3: 10; Ps. 128: 3. Ps. 144: 12. In the last passage, בנעוריהם, like אהבים (Prov. 5: 19; 7: 18) and שעשועים (Prov. 8: 30), corresponds to the abstract noun of modern languages, hence means youthful strength and health.

idyllic hope of the Prophets, which of course carries with it the well-being of the citizen, legally and politically secured.

Asceticism. Controversies.

§246. Though at this stage we are concerned only with general principles, it is still proper to point out that even Judaism has had representatives and times with a decided leaning towards asceticism and a disinclination to the natural enjoyment of life. There is no need to follow up the history of the ascetic tendency, in every sense of the word a dark history. For instance, whether such a sect as the Therapeutæ described by Philo ever existed, whether they were Jews or Christians or creatures of the imagination, are questions upon which scholars disagree and will long continue to disagree.[1] But evidence is not lacking that ascetic doctrines were promulgated. They are scattered throughout the

[1] Comp. Dr. M. Friedländer, *Bei den socialistischen Secten des Judenthums im letzten vorchristlichen Jahrhundert.* Vienna, 1891.

Talmud and the Midrashic literature, and in the writings of the middle ages they are still more prominent. Several controversies betray that there were partisans of opposite views, the defenders of worldly joy and those of austerity, the advocates of pleasure and of renunciation, the devotees of physical comfort and of mortification.[1] But in all the controversies, the party of energetic action and joyous living is represented by the best names, and outnumbers by far its antagonists. The favor in which the former is held appears from the contemptuous scorn the Talmud occasionally pours out upon the advocates of asceticism. A being equipped with powers for intellectual effort has something far better to do than mortify the flesh. As for "a young disciple who fasts while he pursues his studies, a dog may eat his meal," is the sarcastic way in which the Talmud disposes of the ascetic.[2]

[1] *Berakhoth* 30[b]; *Taanith* 11[a] and 11[b]. [2] *Taanith* 11[b].

§247. However, even the ascetics but rarely took up, from outside sources, the thought, foreign to Judaism, of the utter worthlessness of matter in general. The object, on the whole, was to avoid diversion from lofty aims by sensual indulgences;[1] to secure inner liberty by temperance, if necessary by abstinence from material pleasures; above all, to gain leisure and strength for higher spiritual living by reducing the number of needs. Not because the corporeal is absolutely and in itself worthless should it be repressed, but because as compared with the intellectual it is of inferior value, and therefore the hindrances and interruptions should be avoided that are the inevitable concomitants of indulgence in material pleasures.[2]

Predominance of the spiritual without scorn of the material. Footnote: the valuation of intellectual activity.

In a word, the fundamental view held by the Jewish religion and by Jewish ethics as

[1] Against which Isaiah's denunciations are directed (Is. 5:11).

[2] *Aboth* 6:4, and in many other passages.

well is: Predominance of the spiritual, though without scorn of the corporeal, coupled rather with the effort to purge the natural, the material, to protect it against danger, and to exalt and consecrate it by connecting it with the spiritual. Even the teacher[1] who considered a supposed "diminution of fat and blood" (by fasting) meritorious, saw in it a sacrifice, offered distinctly by way of compensation for the sacrifices formerly brought in the Temple at Jerusalem.[2] Fat and blood are far re-

[1] R. Shesheth. See *Berakhoth* 17a.

[2] Another and finer standard of valuation is applied to intellectual activity in the promise that the study of the precepts touching each sort of sacrifice shall be accounted as meritorious as though the sacrifice itself had been brought (*Menachoth* 110a). I yield to the temptation of giving an illustration, as naïve as it is touching, of the esteem in which intellectual work was held. If the eve of the Passover falls on the Sabbath, an observant Jew is put into an embarrassing position regarding the last of the three prescribed Sabbath meals. Leavened bread he may no longer eat, and unleavened bread he may not yet eat. "Then let him eat meat or fish," says the Rabbinical ordinance. "And if he

moved, then, from being unworthy things in his sight.

Fasting: its symbolic meaning. It leads to humility.

§248. Judaism recognizes several sorts of fasts—those prescribed by a religious ordinance for the community, those prescribed for the individual, traditional fasts, and voluntary fasts. In customs and practices like fasting, the act with its immediate psychologic and ethical result takes on symbolic significance so swiftly and completely that reality and symbol can hardly be extricated from each other.

From the point of view of ethics the following considerations are pertinent: Satiety, the sense of satisfied hunger, is at once the condition and the sign of complete gratification, bringing about self-complacency that easily passes over into wantonness and arrogance. Fasting means want, deprivation, longing, which lead to

has neither, let him eat fruit, and if he lacks this, too, then let him—study a little Torah"—that is *his* meal. *Baër Heteb* on *Orach Chayim*, §444, according to של"ה.

humility, and humility produced by the consciousness of sins committed is repentance. Indulgence increases desire, and desire in turn hastens to satisfy itself by indulgence;[1] privation, on the other hand, tends to abstemiousness. In favorable circumstances, the gratification that accompanies satiety may prompt to generosity; self-satisfaction and wantonness, however, are connected with illiberality, but privation and longing attune one to self-devotion.

Fasting the sign of mourning and repentance.

§249. Since time immemorial, fasting—together with the removal of ornaments and the wearing of shapeless garments[2]—has been a sign of mourning over personal loss, national defeats, destruction by plagues, etc. The reason is obvious. The

[1] Comp. the words, psychologically so suggestive, in Deut. 29: 18, which Maimonides (Eight Chapters, 3) understood perfectly, and Mendelssohn not at all. See Appendix No. 38, p. 271.

[2] And sprinkling with ashes. Ashes is the last dead remnant, the *caput mortuum*, of the once living plant, and hence the symbol of decay and destruction.

mourner desires to bear his just grief undisturbed, and not interrupt himself by any sort of enjoyment, not even that of tasting food (see 1 Sam. 31:13; II Sam. 1:12; Esther 4:3). The same is true of fasting as a sign of repentance; the bitterness of remorse shall not forfeit aught of its power, at once caustic and healing, by the sweetness of refreshment through food (1 Sam. 7:6; Jonah 3:5 *seq.*).

Propitiatory fasting to ward off imminent misfortune. Isaiah's more ethical view.

§250. Fasting as a means to bring about a favorable turn in the tide of untoward events is doubtless as old as time. The conditions supposed to determine the efficacy of this means varied probably with the petitioner and the age. On the whole, they are indicated by the constant connection of propitiatory fasting with prayer and sacrifice.[1] For this reason, the fast appointed by Esther (4:16) makes a curious

[1] See Judges 20:26; II Sam. 12:16 *seq.*, with which comp. Ps. 35:13; Joel 1:14, 2:15; Jer. 14:12; Ezra 8:21 *seq.*; II Chron. 20:3.

impression, not only because the book as a whole is devoid of theological coloring, but because no mention is made of prayer, an omission that obtrudes itself markedly in the passage cited.[1] According to Isaiah (58:4), for instance, fasting is merely to "make the voice (of prayer) to be heard on high"; it is to be the symbol of the yearning and the devotion associated with prayer. What is more important, however, is that here as always Isaiah is the guide to loftier heights, the guide leading the searcher out of the realm of the symbolic into the realm of conduct, purely ethical and directly noble, stripped of all symbolic trappings: "Is it such a fast that I have chosen? a day for a man to afflict his soul? is it to bow down his head as a bulrush, and to spread sackcloth and ashes under him? wilt thou call this a fast and an acceptable day to the Lord? Is not this the fast that I have chosen? to loose the bands of wickedness, to undo the

[1] See Appendix No. 39, p. 272.

heavy burdens and to let the oppressed go free, and that ye break every yoke? Is it not to deal thy bread to the hungry, and that thou bring the poor that are cast out to thy house? when thou seest the naked, that thou cover him, and that thou hide not thyself from thine own flesh?" (Is. 58:5-7). Moreover, in the verses that follow (8-12)—whose wealth of meaning can be purchased only at the price of devout study—the highest possible religious valuation of the ethical is revealed in the re-transformation of moral conduct into a symbol—a symbol of the devotion to God and absorption in him, whose being is merged into the essence of absolute, pure morality (v. 8). The promised result issuing from moral activity leads, on the one hand, to the serenity of religious beatitude (v. 11), and on the other hand to the exaltation of historical and communal consciousness (v. 12).

§251. It may be taken as a sign of de-

Fasting in remembrance of past misfortunes.

cided moral, and still more decided religious progress, that propitiatory fasting, by way of preparation for a momentous, fateful decision, belongs wholly to the past; it finds no place in the frame of present-day reality.

On the other hand, fast days in remembrance of past misfortunes serve to establish the continuity of the national consciousness. They form the historic bond uniting the present with the hoary past.[1] Similarly, the celebration of the *Jahrzeit*—fasting on the anniversary of the death of close kinsmen—maintains continuity of feeling between survivors and the generations that have passed over to the silent majority. Abstinence from food on such days of memorial is nothing more than a pregnant symbol for enduring grief, for sympathy steadfastly and designedly kept alive with

[1] Such are the Ninth of Ab, the Seventeenth of Tammuz, etc., as well as the Fast of Esther on the thirteenth day of Adar.

the victims of sad, untoward fate in days long past.

The ascetic tendency of later times the product of suffering.

§252. A review of the ascetic tendency of later growth forces upon the student the conclusion that contempt for sense allurements and worldly pleasures, dogmatically inculcated, cannot compare in potency with dire distress and suffering as influences tending to create the attitude that looks upon self-elected pain and the renunciation of the joys of life as meritorious works. He who is often in the position of not having enough to satisfy the cravings of hunger, readily consoles himself with the thought that fasting is pleasing to God, and he who is immersed in pain, anxiety, and the perils invented by cruel persecution easily accommodates his mind to the view that the sorrows of this life are a ransom for its sins and a guarantee of the enjoyment of bliss in the life to come,[1] and he

[1] See *Kiddushin* 40b and *Sanhedrin* 101a, חביבין יסורין (with Rashi's commentary שמכפרין), and

is disposed, therefore, to add the tortures of voluntary renunciation and self-devised pain to the torments of a relentless fate.

Of many a hero of the Talmud we are told, however, that he would not hear of the glorification of suffering. In spite of their recognition of the ethical value of suffering, R. Eliezer, R. Chiya bar Abba, R. Jochanan, and others, preferred to forego future reward, if it involved present agony.[1]

The Jewish temperament at once serious and cheerful.

§253. The view of the world, of life, and of nature taught by Judaism is serious but nevertheless cheerful. It grants absolutely no room to a theory of "original wretchedness"[2] in the human soul before it has gained experiences of its own. Even the Jewish ascetic speaks of a "broken heart" and a "contrite spirit" only as indications

יסורין ממרקין, *Berakhoth* 5ª. Both expressions occur very often in the Talmud and the Midrash.

[1] For the ethical valuation of suffering and the protest of the sages against its glorification, see *Berakhoth* 5ª *seq.*

[2] Emphasized particularly by Blaise Pascal. See *Pensées.*

of remorse on account of sins actually committed.[1] And if the Jews that suffer hunger and indulge in fasting are probably as little sinful as possible, neither do they lack true serenity of mind in the midst of their self-mortification.[2] The Hebrew language is rich in terms for joy;[3] the expressions vary by imperceptible shades, constituting a complete scale—this awaits scientific investigation—to designate pleasurable feelings that range from simple comfort induced by absence of suffering to the jubilant exultation of the soul in its delight. Such a wealth of words for happy states of mind had been impossible, if the disposition of the people had been gloomy.

[1] Not necessarily by the penitent himself, but mayhap by others to whom the social-ethical communion binds him. Of this more hereafter.

[2] The ingenious interpretation of a Bible verse, or the shrewd solution of a Talmudic riddle, makes them as merry and gay as any well-fed company.

[3] Comp. August Wünsche, *Die Freude in den Schriften des alten Bundes*. Weimar, 1896. See *Aboth de R. Nathan*, ch. 34.

A characteristic legend. Rabbi Beroka and the Prophet Elijah.

§254. Nature is replete with good things (Ps. 104:24) ministering to the preservation of life, nourishing the healthy, and healing the sick, and besides there are such as are intended for the delectation of men: "Wine that maketh glad the heart of man" (Ps. 104:15). It is true that the great of the land, the kings and the princes, are cautioned against the moral dangers hiding in the cup, yet at the same time it is recommended that wine be offered to the distressed and the heavy-hearted (Prov. 31:4 *seq.*). The warning and the recommendation are not contradictory; they but emphasize the moral behest to wean the sorrowful from his grief and lead him back to serenity.

The Rabbinical attitude is characteristically presented in the following legend: R. Beroka met the Prophet Elijah in the market-place, and asked him, who of all the motley crowd gathered there had the strongest claim upon the bliss of the future life. The Prophet pointed to an un-

couth fellow of low degree, a jailer. "And why?"—"Because he has always been careful to keep men and women prisoners in separate apartments, to guard them against the sin of unchastity." "And who," the Rabbi questioned again, "might be the next candidate for future bliss?" "Those two jesters yonder. Whenever they see a grief-stricken man, they seek to cheer him."[1]

§255. The whole life of the Jew is sur-

[1] *Taanith* 22ª. The answer continues: "and whenever they are present at the outbreak of a quarrel, they seek to make peace." The meaning of the legend is simple, but over and beyond its obvious teaching, it is doubtless meant to convey a protest against every approach to a system of aristocratic ethics, a system inclined to regard learning or wisdom or far-reaching influence, the attributes of the higher classes of society, as indispensable conditions of morality in its highest development. The legend intimates that he who (like the jailer) embraces the opportunity that presents itself, or who (like the two jesters) seeks the opportunity, to do the good, and does it with all his might and with unselfish purpose, has reached the pinnacle of moral living. A good will ennobles every station in life.

Enjoyment a duty. To feel joy and prepare it for others.

rounded and interwoven with duties, ethical and religious, ordained by law, and among them is pleasure enjoyed at the proper time and in fitting circumstances (Deut. 26:11; Ps. 97:12; 100:2). In the wisdom literature of the Hebrews, joyfulness is praised in manifold ways. Thus it is said: "A merry heart doeth good like medicine" (Prov. 17:22), and "he that is of a merry heart hath a continual feast" (Prov. 15:15). The son of Sirach goes so far as to maintain that "the gladness of the heart is the life of man, and the joyfulness of a man prolongeth his days" (Ecclus. 30:22 *seq.*).

Of still more important bearing is the command to have others participate in the pleasures within one's reach. In Jewish literature the phrase "light and joy" (אורה ושמחה) is of frequent occurrence, a dual expression for one concept, conveying the idea that joy should be as light is, shining not alone for him who kindles it, but shed-

ding its rays in all directions and afar. The Jewish heart considers its joy complete only when it has communicated itself to those who have no joys of their own.

Not only numerous ethical precepts, but also numerous customs still in vogue enjoin the celebration of happy events and the reception of glad tidings by gifts to the poor. There is no need to bid men prepare pleasures for themselves, a natural impulse may be left to take care of that; but men must be directed to seek joy in making their fellows glad, and the Jewish law provides for it in simple words (Deut. 14:26; 16:15; 26:11, and elsewhere).

Idealism in respect to one's own needs; realism in respect to the needs of others.

§256. Even without being inclined to asceticism, a man, especially if his mind is cultivated and his soul aspires to lofty attainments, can readily dispense with material pleasures. In the Rabbinical scheme of life (as was said above, §247), intellectual and spiritual pursuits were prized above all else. The theory was that man

ought to be on his guard against the allurements, the disturbances, the dangers connected with worldly pleasures. He can and may—some hold, he should—be wholly spiritual in his tastes, and despise material possessions and the pleasures of sense. In a word, he may be wholly idealistic in his bent of mind. But only in his own subjective world, only where his own person is affected. If his fellow-man comes into the question, he must be thoroughly realistic in his attitude. With all possible zeal, he must provide raiment, lodging, food, physical care, whatever things his less favored fellow stands in need of. Though he scorn pleasure and gratification for himself, as inferior objects of desire, for his neighbor he must use every effort to procure them. This sort of realism is an integral, necessary element in Jewish idealism.

§257. Fun-making, diversions, dancing, and jollity of all sorts have their place in

the economy of Jewish life, which in no sense is hostile to merriment.[1]

Jewish life neither an enemy nor a stranger to fun, pleasantry, and diversion.

The Rabbis, in fact, dignify the social pleasures with a moral sanction, though preferably they are to be connected with the performance of some ideal task, as, for instance, the celebration of a marriage, or of religious and patriotic festivals. To provide for the entertainment of a young

[1] Dances of all kinds, both those in which a number of persons participate, and those executed by a single person, are met with very early. The playing ball is mentioned by Isaiah (22: 18), as we use it, figuratively for the uncertainty of fortune. In Ps. 19: 6 there is an allusion to the race-track, when the sun is said to rejoice to run his race as a strong man (גבור in this place certainly not be translated as "hero"). The dance of the pious on the blessed heights beyond is described with incomparable, with truly touching *naïveté*. Jerusalem *Megillah* 2: 3, and Jerusalem *Moed Katon* 3: 7; *Vayikra Rabbah*, ch. 11. See Appendix No. 40, p. 278.

On the other hand, professional gambling is denounced in unmeasured terms, and for various reasons, among them the reason that a gambler is a mere parasite on the tree of human culture; he feeds upon the world, and contributes nothing to the advance of civilization. *Sanhedrin* 24b.

couple is urged upon their attendants (according to the custom of Talmudic times), and so high a value was set upon this privilege that during the festivities the groomsmen were released from the performance of certain religious duties.[1]

The union of material pleasures with moral tasks. R. Jehudah and the Emperor Antoninus.

§258. In this way, by bringing them into connection with the sphere of moral or religious duties, all agreeable states of the mind and the soul, even such as are the result of indulgence in material pleasures, are idealized and exalted.

The ethical value of this attitude for the plan of human conduct cannot be overestimated. Enjoyment of the delights that reach man through the senses is endorsed and refined; it is surrounded with a magical charm all its own, it is spiced with ideality as it were. On the other hand, the ideal content of duty, by alliance with the ordinary processes and events of life, gains in tonic energy, increases in vividness, is made

[1] *Tosefta Berakhoth*, ed. Zuckermandel, p. 4.

real and organic. Sabbath rest, for instance (whose ethical virtue is expounded elsewhere), and Sabbath devotion to intellectual pursuits undisturbed by menial tasks, are wondrously promoted by the festive and glad celebration of the day, by the great and the little but always characteristic pleasures with which custom has adorned it. Again, through the instrumentality of their ideal bearing, the Sabbath indulgences of a physical nature are raised into the realm of the spiritual.[1] In the Midrash there is a pretty legend of how R. Jehudah, when he entertained the Emperor Antoninus at dinner on successive days, explained to him that the taste of Sabbath food was so thoroughly identified with the Sabbath that no cook, however skilful, could reproduce it on workdays.[2] The celebration of the Sabbath adds a spiritual

[1] Hence man has "an additional soul on the Sabbath." *Bezah* 16ª.

[2] *Bereshith Rabbah*, ch. 11; and *Sabbath* 119ª.

spice not to be replaced by anything invented by art or found in nature.

Results of the infusion of ideal elements into the material. The celebration of the Sabbath.

§259[a]. In the infusion of ideal elements into the material, the ethical spirit of Judaism reveals its pre-eminence. This it was that removed the sting of envy from the flesh of the Jew tortured by the persecutor. It put the moral equivalents of all worldly joys into his possession, and enabled him to dispense with them without a sense of sacrifice, even without cherishing a grudge against his more fortunate tormentor. Sabbath eve in the house of a pious Jew, with its flood of light and its consecration of the lights; with its daintily served, if modest, meal, in any event distinguished by the peculiar shape of the loaves of bread;[1] with its

[1] It is worthy of note that with many nations the bread and the cakes baked for festivals have a fixed form, demonstrably of mythological significance. The festal cakes of the Jews likewise have traditional forms in widespread use, but not only have they no mythological, they even have no symbolic meaning. They were probably copied from

chant of the "praise of the virtuous woman" (Prov. 31:10-31); with its blessing of the children by the parents; with its energetic, courageous, hopeful banishing of all cares; with the exaltation incidental to leisure, and heightened in all the participants by songs, at once merry and pious, sung at the table; and the Sabbath day, belonging "half to God and half to men," the human part no less satisfying to spiritual cravings than the divine part—all this betrays so even a balance between the spiritual and the corporeal, or rather so great a predominance of the spiritual in the physical, that the celebration of the Sabbath, quite aside from the immediate ethical significance, aside even from explicit ethical tasks, is of unique influence in the moral education, in the ethical tempering, of man.

§260[a]. It would make a chapter of fine discrimination in the psychology of nations

the peoples among whom the Jews lived, a theory supported by the names of the cakes.

Imponderable elements in the ethical substance of Judaism.

to analyze the states of mind and soul produced by the various ways in which nations celebrate their festivals. These spiritual results appeal first and foremost, however, to ethical research. Square-hewn duties with their uncompromising "thou shalt" are not the only opportunity for the display of ideal conduct shaped by morality; it reveals itself no less in the orderly, yet free and easy manner of enjoying life. Naturally, it would be difficult in the extreme to convey the psychic content and the ethical result of such spiritual happenings in clear, unambiguous language, but the difficulty may not diminish esteem of their ethical importance. Judaism owns a wealth of such imponderable elements of the ethical substance. In order to grasp them as facts of experience, in order to learn to appreciate their theoretic value for a knowledge of the ethics of Judaism, the inquirer must give himself up completely to a study of the phenomena and the activities of the Jewish

spirit. The Jewish heart knew no perfect joy that was not characterized by the interpenetration of the spiritual and the material. Hence its joy was never so apparent as in the celebration of public festivals, much as the nations of modern times engage in patriotic and memorial celebrations.

§261[a]. The Jewish view of life, then, so far from despising or casting aside material possessions, for moral or metaphysical or religious reasons, impresses them for the service of morality. Physical health and vigor, the ability to enjoy, and the capacity for work cheerfully exercised, constitute the elements of the natural organism in which the soul of morality acts and rules as the guiding force.

Material possessions valued, but made subservient to morality.

This fundamental idea was conveyed at once characteristically and unequivocally in the Rabbinical sentence: "The spirit of God rests upon man (in modern parlance: his noblest aspirations and the full extent

of his powers are displayed) neither in a state of gloom nor in a state of inactivity, but solely and alone in the joy of the performance of duty."[1]

[1] *Sabbath* 30b.

Note on the Development of the Law by the Talmud

The books of the Bible have preserved but meagre traditions of the celebration of Sabbaths and festivals and of the customs, forms, and usages through which the idea and significance of festive joy were given expression. Only two of the three pilgrimage festivals are endowed with symbols and symbolic ceremonies. Unleavened bread is prescribed for the Passover, the spring festival, and the harvest feast is to be celebrated with the festal wreath and in the tabernacle, the latter giving the feast its name. Concerning even these symbols all details of arrangement and use are lacking. Of the festal wreath, of which happily we know the constituent plants at least by name, it is merely said: "Ye shall take" it. Living tradition alone was the custo-

dian of knowledge and practice. Beyond general regulations commanding rest and abstention from physical work, and enjoining a frame of mind in some way raised by the solemn celebration above workaday sobriety (see, for instance, Is. 58: 13), we have scarcely anything more than an enumeration of the sacrifices appointed for each day as set down in the priestly code. When and in what order the more specific festival customs were developed is equally unknown. Only when we reach the Talmud, we meet with the deposit from an evolutionary process, continuing for centuries probably without an interruption, which gradually moulded the peculiar forms and ceremonies calculated to lend dignity and delight to the days of leisure.

But the creative intellectual work of the Rabbis, the incarnate expression of which is the Talmud in particular and Rabbinism in general, does not display itself only in the usages and customs that adorn and enrich

daily life with ideal incident. Their development and elaboration of Biblical law comes out with equal force in distinct precepts, in accurate deductions, and in juridical and ethical ordinances. The foregoing pages contain disconnected sayings in abundance illustrating how the Rabbis explained and intensified the ethical doctrine of the Bible. But all of them taken together do not afford even an approximately adequate idea of the development of the ethics of Judaism through the mental activity of the Rabbis.

For the sake of the reader who is not in a position to resort to the Talmud itself, I shall attempt to show, by means of a single example, how the ethical law of the Bible was expounded and developed through the centuries' long intellectual work that produced the Talmud, and in turn was furthered by it.

It need not be premised that an isolated instance will in no way satisfy interest in

the matter from the historical point of view. For this it would be necessary to demonstrate how Rabbinical times and achievements played a part at every point in the evolution of the Jewish ethical code, how the true and the full content of Biblical law owed its recognition to the labor of the Rabbis, how through this same labor were revealed the depth and the comprehensiveness, the purity and the elevation of the ethical spirit.

Historical interest could not have been, nor, in fact, ought it to be, satisfied in a systematic presentation of Jewish ethics like ours. For in such a presentation we are concerned, not with the problem of dissecting the ethical spirit, but with the problem of exhibiting it in its totality, in its continuity, its essential, uninterrupted oneness. The other, purely historical work had to be left for a future time and for other hands. Indeed, it is impossible of accomplishment, unless the demonstration of the

wholeness and unity of the ethical spirit has preceded it as a preliminary. From a knowledge of the whole, the meaning, the function, and the value of the parts may be derived. In default of a clear notion of the spirit in its totality and the creative impulses issuing from it, it may be possible to present the achievements of various times and forces philologically and chronologically, but not historically, not as a resultant of the historical spirit. Only with a complete picture in the mind can it be seen how the early principles influenced the later authorities, how later authorities threw light upon earlier principles, how hidden treasures were uncovered, and made available.

In a word, unless the innermost essence, the unity and totality, the creative force making for progress, and the lusty energy of the Jewish ethical spirit have been conceived detached, as it were, from time and epoch; unless the mind has grasped it as

a complex of ideas harmoniously blended, the stages of its development, its shifting forms, and the value of each stage and form, will remain a riddle.

Nevertheless, a single Biblical law will suffice to convey a faint notion of the enhancement of meaning, the widening of compass, and at the same time the chastening and heightening of ideal content shown in the Talmudic forms it assumes. If this procedure leaves the demands of historical interest unsatisfied, at least the cause of justice will be served—a legitimate consideration in the case of the Talmud, for no work in the whole range of the world's literatures has had scantier justice meted out to it.

It does not fall within the scope of the present work to describe the Talmud—the book that is a little library rather than a book—and in view of the numerous passages quoted from it in the preceding pages to illustrate its ethical teaching, it is hardly

necessary to do so, the less necessary as a characterization of it can be found in the great works of Jost, Graetz, Renan, and others, as well as in monographs by various authors, from Emanuel Deutsch down to Huber.

To repeat: my purpose is to show, by the example which I am about to adduce, the enrichment and elucidation Biblical laws experience through the method that brought forth the Talmud.

In the Torah, the Mosaic code, a general prohibition concerning the bearing of men towards one another is expressed, in the Hebrew original, by two words, *lo thonu* (לא תונו). *Lo* means "not," but what is *thonu?* The original meaning of the word is known beyond a doubt; it can be derived with absolute certainty from the various contexts in which it occurs. But if we proceed to translate the word into a modern language, we not only experience difficulty, but find it altogether impossible

to cover all its meanings by the same word. The reason is plain. The word expresses a definite though not a simple notion; it is a notion composed of a number of characteristic elements. With the context in which the word appears, the one or the other characteristic becomes the essential content. This word, then, like many another, has several meanings. The Bible language makes use of it always, no matter what the connotation necessitated by the context. A modern language, however, must render each of its several meanings, each peculiar shade of the idea, by a specific word or phrase. How difficult this is, and how much room is granted for variety and specificness of content, appears from the fact that in each given case various translators make use of different words to convey the same, the true meaning, grasped by each of them.

For the comprehension of the historical evolution of the laws, and hence in the de-

velopment of the ideal possessions acquired by men there is another consideration of utmost importance. Let us imagine that the wording of the law has been reproduced in our own language with faultless precision, and therefore the exact ideas in the mind of the lawgiver at the promulgation of the law are conveyed to our minds by the translation. But the idea in the law is like a seed; it sprouts and grows into a perfect plant. The original notion, though essentially remaining the same, is modified, elaborated, endowed with ampler fulness, and expressed in more definite forms. There are, in the main, two reasons for the growth. Social life produces new relations, new objects, new modes of intercourse, and the ethical spirit and the ethical convictions of men develop in the direction of greater nobility, depth, and delicacy. The old ideal content of the law continues to be applied to the new relations and under the new view, yet it stands to reason that

there must arise new orders and regulations though they be merely outgrowths from the old law. Now we shall proceed to investigate how this progress of events described in general terms is illustrated in our pattern law, *lo thonu.*

Setting aside the repetition of the law in the Prophets,[1] where no new meaning is brought out, only a more specific application is made to the protection of widows and orphans, we find that the Bible contains the following five passages bearing upon it:

1. "And if thou sell aught unto thy neighbor, or buy of thy neighbor's hand, *al* (=*lo*) *thonu*, ye shall not wrong one another" (Lev. 25:14).

2. "*Lo thonu*, ye shall not wrong one another, but thou shalt fear thy God: for I am the Lord your God" (Lev. 25:17).

3. "A stranger shalt thou not wrong

[1] Jer. 22:3; Ezek. 18:7, 12, 16.

(*lo thone*, sing.), neither shalt thou oppress him" (Exod. 22:20).

4. "And if a stranger sojourn with thee in your land, *lo thonu*, ye shall not do him wrong (Lev. 19 : 33).

5. "Thou shalt not deliver unto his master a servant which is escaped from his master unto thee: he shall dwell with thee, in the midst of thee, in the place which he shall choose within one of thy gates, where it liketh him best: *lo thonnenu*, thou shalt not oppress him" (Deut. 23:16-17).[1]

[1] The root הונה, the Hiphil form of יונה, can best be translated by the Latin *laedere*, which has the same variety of meanings, and shares the lexical peculiarity of belonging both to the language of common intercourse and to the technical terminology of jurisprudence. The latter is well illustrated in the phrase *laesio enormis*, corresponding exactly to the Rabbinical אונאה. But the Vulgate has *ne contristis* and *ne affligas*, and in 4 *non exprobretis ei*, under the misapplied influence of the Rabbinical אונאת דברים. In 1 and 2 Luther and Zunz use *übervortheilen*, and Mendelssohn, probably with the same shade of meaning, *vervortheilen*. Osterwald's French translation has *ne foule ton frère*, the English Authorized Version has *not oppress*, and the Revised Version, quoted in the text, *not wrong*. In

The meaning of the last (5) verse, relating to the fugitive slave, is self-explanatory. He is not to be oppressed with labor, nor vexed "with words." The extremity of his need, which has driven him to seek an asylum, may not be taken advantage of. To him the law that demands the protection of the stranger applies with heightened force, for, adds Maimonides,[1] he is dependent upon chance assistance, and is helpless to a greater degree than other strangers, and hence to a greater degree heavy-hearted.

Verses 3 and 4 form part of the code on strangers, the characteristic outlines of

3, 4, and 5, Luther uses the strong expression *nicht schinden noch unterdrücken.* In 3 Mendelssohn inserts "with words," that is, "a stranger shalt thou not vex (with words)"; in 4 and 5, he has *nicht drücken.* Zunz has *nicht kränken und nicht drücken* in 3, 4, and 5. The French translation in 3 is *ne fouleras,* in 4 *ne lui ferez point de tort,* and in 5 *ne molesteras pas.* In 3 and 4 the English Authorized Version has *not vex*, the Revised, *not wrong*, and in 5 both use *not oppress.*

[1] *Hilkhoth Abadim,* ch. 8, Hal. 11.

which were presented in Chapter III (part 1). The meaning of *lo thonu* here can easily be derived from the context: The circumstance that a man is a stranger should in no way justify treatment other than that enjoyed by brethren in race: not only may his rights not suffer curtailment, but he has a claim upon a full measure of the native's love. If proof were wanting, it would be given by the verse following the fourth quotation: "The stranger that sojourneth with you shall be unto you as the homeborn among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt: I am the Lord your God" (Lev. 19:34).

The last three sentences, then, speak specifically of the fugitive and the stranger, but the first two refer to the relation in general between men and their fellows. The question is, what is the meaning of *lo thonu* in the latter cases. The original Biblical concept, though embracing a va-

riety of shades of meaning, was thought as a unit, and therefore expressed in a single word. Gradually the characteristics and elements entering into the concept make their appearance, and are differentiated and specialized in their application to persons, conditions, and peculiar phases of intercourse among men. At this point it is that the legislative work of the Talmud sages asserts itself.

The first sentence deals explicitly with buying and selling. In these transactions, the parties concerned are warned, *lo thonu*, do not defraud each other, do not do each other hurt. In the two Biblical verses connecting the two passages now under discussion, the Torah illustrates what is meant by fraud. The verses preceding our first passage (Lev. 25:8-13) are a description of the year of the jubilee, in which all real estate returns to the original owner, no matter how he may have disposed of it by sale. Strictly speaking, then, the sale of a piece

of land was only a lease: "According to the number of years after the jubilee thou shalt buy of thy neighbor, and according unto the number of years of the crops he shall sell unto thee. According to the multitude of the years thou shalt increase the price thereof, and according to the fewness of the years thou shalt diminish the price of it; for the number of the crops doth he sell unto thee" (Lev. 25: 15-16). Keeping this example in mind, the Talmud defines fraud (injury, *laesio*) in general terms as an undue discrepancy between the real value of the object bought or sold and the price paid for it. From this primary principle, a lengthy series of legal provisions is deduced. They cannot be stated here in detail, for they belong to the department, not of universal ethics, but of jurisprudence in the restricted sense. I must limit myself to giving an idea of the manifold and far-reaching transformation in content and applicability which the Bib-

lical law undergoes in the Talmud. In the first place, the Talmud fixes the measure of injury, the amount of difference between the stipulated price and the real or the market value of a thing that justifies the charge of fraud (אונאה) in the legal sense and the infliction of the penalties attached to it. According to the nature of the objects and the circumstances the divergence may range from a sixth or a third of the value to double the value, and the penalty is of two sorts: either fraud cancels the transaction, or damages must be paid, the choice of punishment being left to the defrauded party. The same discrepancy between price and value, however, is not defined as fraud with all objects and in all circumstances alike. Fraud does not occur in the case of things of fictitious value, as, for instance, pearls, or a manuscript, like a handwritten scroll of the Law (ספר תורה). The price assigned to the latter as a work of art is purely subjective. A given thing

may have a peculiar value for certain persons on account of the use they purpose to make of it, as a horse to be matched with another, or a precious stone to be mounted with others, and for the same person the same thing may decline and rise in value at different times, and therefore its price is indeterminate. A sword, a shield, or a horse, for instance, increases in value in war-times. But even in such cases there is *laesio enormis* when the selling-price amounts to double the ordinary market value. Fraud may be perpetrated on the part of the buyer in offering too low a price as well as on the part of the seller in demanding too high a price. It is a moot question whether fraud is chargeable only against laymen or against merchants by profession as well, for at bottom fraud (אונאה) is nothing but taking illicit advantage of the ignorance or the inadequate professional knowledge of the one or the other party to a negotiation. Therefore,

though there is a difference of opinion as to the time that may elapse between the close of a transaction and its annulment on account of fraud, it is agreed that the interval must be long enough to allow the defrauded party to supply the deficiencies of his technical knowledge by consulting with connoisseurs. All this is discussed in the Babylonian Talmud, in the Tractate *Baba Mezia* (fol. 44-58), and incidentally all sorts of injury, damage, fraud, and duplicity, treated of exhaustively in other places, are denounced. The difference between these wrongs and the wrong that is called אונאה is that in the latter the injured party voluntarily assents to the business arrangement, because while the negotiation is proceeding he is not yet in a position to recognize that wrong is being done to him. Now, as it is not permitted to take advantage of the ignorance of the purchaser, all sorts of regulations are made with regard to honesty of trade, each aiming to interdict the artful

production of ignorance or its increase. It is held wrong, for instance, to polish or trick out an article, particularly something old may not be made to appear like new. The Talmud knows nothing of the favor with which our day regards antiques, nor of the art that imitates them, but according to Talmudic law deception of this sort is as reprehensible as giving the appearance of newness to old things.

The following is particularly noteworthy: In the Jerusalem Talmud[1] the general principle in law is laid down, that the condition explicitly agreed upon in a given contract, not to bring suit for damages in case of fraud, does not invalidate the right of the wronged party to demand payment of the sum of which he was defrauded. A condition to such effect is in itself considered contrary to law, and therefore has no validity.

In the Mishnah, on the other hand, at the

[1] Jerusalem *Baba Mezia*, 4: 2.

very beginning of all explanations on this subject, the difference between the moral and the legal point of view is made clear, and stress laid upon the superiority of the moral. The teaching is inculcated, that although the letter of the law grants the right of withdrawal from a contract, moral reasons dictate faithfulness to one's word, though certain to entail loss. The very form is noteworthy in which the moral point of view is recommended in preference to the legal. It says: "He who inflicted punishment (*i. e.* God) upon the generation of the deluge and of the tower of Babel, will inflict punishment upon him who does not keep his word."[1] That is to say, even if human codes connive at laxity, divine justice demands obedience to the highest standards of morality, and will visit punishment upon actions not in conformity with ideal demands, though permitted by law, as severe as the punishment visited upon the

[1] *Baba Mezia* 4: 2.

serious transgressions on the two occasions mentioned when universal doom was pronounced.

Finally, it deserves mention that so early an authority as the Talmud concerns itself with the ethics of unfair competition, a form of dishonesty that has engaged the attention of modern legislators only in most recent times. The alluring of customers by means other than those springing from the nature of the objects of barter themselves is denounced. For instance, merchants are cautioned not to offer nuts or other dainties to children sent out to make purchases, with the purpose of inducing them to enter their shops. It is particularly interesting that the Mishnah, ancient as it is, contains a controversy on putting up goods for sale at reduced prices. Some favor the interests of the producers and traders, and censure the effort to attract custom by a ruinous cutting of prices; others take sides with the consumers, and ap-

prove of tradesmen who make it possible for the masses to satisfy their needs at small cost.

What interests the student in these controversies is not the decisions finally established; they apply to conditions of trade prevailing at the time, and naturally seek to meet them as fully as possible. His attention is riveted by the energetic impulse that prompted the ethical spirit to propound such legislative problems as the regulation of competition, which modern nations passed by unheedingly until a short time ago. The modern state, in fact, waited for injured parties and classes of society to lodge complaints, just or otherwise, against alleged despoilers: here householders against peddlers and itinerant fairs, there honest merchants against the humbuggery of misleading advertisements, and in another place agriculturists against the corn exchange. The Rabbinical spirit, in its capacity as the exponent of the public con-

science, dealt with such questions two thousand years ago.[1]

The context shows distinctly that *lo thonu* in the first quotation (Lev. 25: 14) refers to trade and commerce and the injury inflicted upon the property of one's neighbor. The Talmud sums up all kinds and forms of such wrong-doing in the term אונאת ממון ("injury through money"). But in the next quotation (Lev. 25: 17), *lo thonu* is repeated without any qualifying words. This leads the Talmud to the conclusion that it applies to the general intercourse among men outside of trade as well. There are many sorts of injury that men can inflict upon one another without touching money or property, for instance and above all, injury done to a fellow-man's honor. Such forms of wrong-doing, the Talmudists think, the Holy Scriptures meant to cover with the general prohibition, and they designate all of this kind by the rather infelici-

[1] See Appendix No. 41, p. 281.

tous term אונאת דברים ("injury through words"). According to the habit of the Talmud, no abstract general laws are enunciated, but numerous examples are adduced to illustrate what should be avoided as a breach of morality and sanctioned custom. Under this head belongs, first of all, deception, the presentation of a fact in a manner not according with truth. The injury here consists in leading the victim on to take a false or a vain course of action. Even as a joke, or in a spirit of fun and teasing, statements may not be consciously invented or distorted for the purpose of deluding. Especially do the Rabbis denounce the practice of raising false hopes wantonly; for instance, they hold it wrong to intimate by glance or sign that one means to buy a given object, when he has neither the desire nor the ability to do it.

But greatest stress the Talmud lays upon *Io thonu* as referring to the damage done to the honor of one's fellow-man. Care should

be taken not to offend him, and his faults may not be cast up to him in order to mortify him. Even of the defects with which he was afflicted in the past, but of which he has cured himself, he may not be reminded with the purpose of vexing him, and any reference to unpleasant peculiarities of his ancestors is scrupulously to be avoided. Above all, a man in distress may not be taunted with his misfortune as a proof of guilt.

In short, every contemptuous act, every species of indignity that might hurt the feelings of a fellow-man, is denounced in severest terms. Public exposure or disgrace, any provocation that sends the blood from a man's face on account of shame, is considered equal to the crime of bloodshed. If to this very day the theories of physiologists have not settled the true cause and described the true process of blushing and blanching with shame or anger, the Rabbis may be pardoned for

their homely analogy in likening the receding of the blood from the cheeks to the shedding of blood. Ethically the comparison has some justification. Damage to a man's honor often enough is more painful, more dangerous, and fateful than injury to his body.

In less important questions touching the honor of one's associates, the Talmud admonishes against wantonness as well. Social intercourse calls for tact and circumspection; tender consideration for the feeling of others must constantly be had in mind. Words should be chosen with care, not even the disgrace of your neighbor's kinsman should be alluded to: "Before a man in whose family someone has been hanged, do not say: Hang this thing up." In the same category falls the prohibition not to employ nicknames; indeed, Rabbinical tact goes so far as to forbid calling a man by a nickname he has long borne and to which he is accustomed. He may have

grown indifferent, but his very insensibility is what is most derogatory to human dignity, and whoever makes use of the nickname shares in the guilt of his callousness. The Talmudic development of the law pays much attention to the degree of sensitiveness. The treatment to be accorded to women and to wives will be described elsewhere; here a single precept must be adduced, that a man should take heed not to offend his wife by word or deed, for "her tears come easily"—a clear proof of woman's greater sensitiveness.

Tears! The Rabbis indulge in forcible words when they speak of the grave crime of causing tears to be shed. In the phraseology of religion, in allegorical figures of speech, and in legendary accounts, they point out the power of tears to demand retaliation, especially tears elicited by injury done to honor.[1]

[1] See *Baba Mezia* 59[a] and 59[b], on the treatment of Eliezer and its consequences.

Though אונאה is applied both to damage to property and damage to honor, it is made plain that injuring a man's reputation is the more serious transgression. The position is substantiated by references to the Scriptures and by internal reasons; among the latter the consideration that in attacking his honor the person himself suffers, but money damage is directed only against a thing. Moreover, for injury done to a material possession, reimbursement can be made, but for loss of honor there is no equivalent reparation. Then, too, better care is taken not to cause loss of money or inflict injury upon goods; men shrink from committing fraud or doing damage, because these offenses are definable in law. But the laxer men are in the matter of guarding the honor of their fellows, the more energetically do the Rabbis urge the prohibition referring to it. However, to expose a man to public shame and scorn is after all a mark of barbarity, and it may be

assumed that in course of time the practice has grown less. Of slander the same cannot be said; the poison has neither diminished in quantity, nor abated in virulence; slander truly is civilized cruelty. But defamation in the shape of slander, backbiting, falls under a separate law in the Scriptures (Lev. 19:16), and the Talmud and the Midrash are inexhaustible in demonstrating the seriousness of the offense committed by a traducing tongue; of that we shall hear in the following parts of this work. In connection with *lo thonu*, only exposure and mortification, injury done to reputation in the presence of the victim, are spoken of. And it was consistent for the Rabbinical mind to use particular emphasis in condemning the practice of public putting to shame, for it involves the direct opposite to the social union of men, which the next chapter will show to be the aim of morality. No evil, no wrong inflicted upon others so surely counteracts the force

that brings men into association with one another, and so surely undermines harmony of thought and feeling, as injury done to honor.

If we throw a glance over the whole field covered by this note, we see how two little words, *lo thonu*, were made applicable, in manifold and pregnant ways, to a far-reaching circle of human relations and forms of existence, and became the source whence issued an abundant collection of legal principles and moral injunctions. Such are the results of the intellectual work whose first period is marked by the compilation of the Talmud (about 500 of the common era). Our chosen illustration shows how two Biblical words, under the manipulation of the Rabbis whose activity was directed towards legislative ends and the fostering of morality, became like the "mustard seed" from which grew up a great plant. And in the fifteen hundred years since the close of the Talmud, the

same intellectual work has continued almost without cease; a considerable literature has been produced to explain, not only the Bible, but also the Talmud, to establish every truth, elucidate every notion, and develop every precept.

The admonition which the Mosaic Law impressed with commendable zeal upon the judges concerning all matters brought before them, "Thou shalt inquire, and make search, and ask diligently,"[1] the Rabbis followed out in the case of every legal principle, every doctrine, every word of the Scriptures. The Torah was from the first holy in and through itself, but the absorption of the Rabbis in its contents, the intellectual devotion and indefatigable research of more than two thousand years, made it ever more and more holy. Therefore the world has not its equal.

[1] Deut. 13: 15. ודרשת וחקרת ושאלת היטב.

CHAPTER VII

Sanctification through Union

Man's holiness only in the community. Footnote: The laws on holy things and on purifications are symbols for the notions of consecration and purity. The analogous notion of honor.

§259[b]. The notion of holiness has been designated (see chapter IV) as the ethical ideal of Judaism. The sanctification of life, then, is the aim of all morality, and sanctification (as was shown in §§189-194) consists in the perfection and absoluteness of the moral and in the conception of the moral as the highest purpose in life, the purpose that regulates and rules all other purposes. Holiness, therefore, is directed towards the total of morality—towards the harmonious unity of all moral ideas as well as the compact unity of the ethical person, the manifestation of moral character. Finally, it follows that sanctification of life implies the union of men, and in this respect, too, holiness is directed towards the total of morality: all beings called to be

moral in and through morality shall be bound together as a unit.

For, in a true and real sense, not the individual can be holy, but only the community. God is the only single being that is holy. And this view held by Judaism is confirmed in its literature by the simple fact that throughout the Scriptures the only ethically holy person referred to in the singular is God. Whenever holiness is mentioned in connection with other persons, it is an attribute applied to the majority or to the whole of the people.[1] The laws, most of the commands and the prohibitions, are put in the singular, as, for instance, the Ten Commandments, and though sometimes the singular alternates with the plural, in the case of the requirement "you shall be holy," there is not, in the whole of the Bible, a solitary instance of its being addressed to man in the singular. Neither

[1] See Appendix No. 42, p. 282.

Moses nor Elijah, neither highpriest nor singer, receives the appellation the holy one—God alone is the Holy One. Men can be, or rather can become, holy only in a union of the many, through association with one another, that is, as a community.[1]

[1] It has been remarked before, no direct relation subsists between the moral and the ritually holy, but indirectly the influence of the entire sphere of holiness has asserted itself, time and again, in the development of morality within Judaism, equally among the sects of ancient times and the mystics of more recent days. While the special laws on holy things and purifications (קדשים וטהרות) were still in force, pure-minded, noble men were attracted by the symbolism of the holy. It would be worth while to devote careful study to determining what contributions they made to the enrichment of the world of ethical thought. For our purpose it will suffice to point out as examples two notions borrowed from ritual formalism and developed into symbols of the ideal: purity and consecration, or devotion of self. What is now and long has been a commonplace, at one time had to be thought out by men of enlightened mind: that the soul, the heart, must be kept pure, uncontaminated by the base, and that at the same time all powers must be consecrated to the good—that the hand may not be raised and the mouth not opened except to serve God and man. Such symbolism

§260[b]. In accordance with this, the appointment of Israel as God's people, in the chapter leading up to the Revelation on Sinai, reads thus: "Ye shall be unto me a kingdom of priests and an holy nation" (Exod. 19:6).

Israel's appointment as "a kingdom of priests." The priestly calling.

made clear and fortified moral motives. Often it became the strongest lever to raise human aspiration into the realm of purest and most active idealism.

Though this be an historical fact, yet it is difficult for us of the present day to realize it in all its bearings. An analogy may be helpful.

There are not a few persons, in fact, there are whole classes of persons, to whom ethical notions are neither strange nor a matter of indifference, but the ethical notions are combined with the notion of honor in their minds. They reckon honor as an independent motive of action, standing, not beside, but above all ethical motives. Honor is the mightiest impulse controlling their conduct, more efficacious than conscience itself in keeping them from evil and urging them towards the good. With such persons "perfectly honorable" has more value than "perfectly moral." Now, it is true that the code of honor may contribute to the enhancement and refinement of ethical motives; it may confer added delicacy and energy upon them—may do so in a measure determined by the character and nature of its principle; on the other hand, if this

The first of the two concepts, "a kingdom of priests," conveys the thought of universal import that Israel is to receive the Law in trust for all other nations, for the whole of mankind. The consecration and the piety of the priest (see part 1, §120) are unique in that they affect more than his own person and life, they have a meaning for the lives of others, for the congregation in whose ministry the priest is engaged. Exaltation and atonement he shall aspire to, not for himself, but for his community; knowledge he shall cherish according to the word of the Prophet, and the Law he shall spread abroad (Mal. 2:7).

principle is tainted with folly, vanity, and narrow-mindedness, it will confound and debase ethical conviction instead of clarifying and exalting it. The notion of honor, then, is one of the offshoots from idealism, but—it is double-edged. Far more certain and far more radical in its effect than the sense of honor is the flaming desire to approach the holy by means of a pregnant symbolism. Such spiritual yearning it is that has intensified the ideality and energy of moral motives, and has developed every healthy germ in them promising growth and progress.

The priest is further distinguished in that the whole of his life is devoted to this vocation, the service of the community.

Obviously, the word "priests" is used figuratively in the election of Israel. The activities of a man, his life-work, by content and results, may be directed either to individual aims and affairs or to general interests, to the affairs of the community. Even his personal pursuits may, without his knowledge or intention, indirectly serve humanity at large. For instance, a man's business, though conducted only with a view to his private needs, nevertheless, and without special or conscious effort on his part, contributes to the preservation and enlargement of the national wealth. Very different from this, however, is the activity whose content and purpose have reference only to the general good, and which hence serves the community directly. Since time immemorial all men who give themselves up to the promotion of a large communal pur-

pose have enjoyed distinction above their fellows—rulers, judges, generals, and, in their due degree, thinkers and poets, artists and teachers. What they busy themselves about, is not their own private concern; what they aspire to, is a general purpose. It is demonstrable (see §278, p. 219), that there is no calling whose duties do not, in one way or another, further the good of the community; but the worth and dignity of every calling are heightened in proportion to the completeness with which it embraces and realizes the purposes and ideas of the community.

Finally, it is the distinction of the priestly calling that it brings the whole realm of the finite into touch with the infinite, that it is charged with the task of leading the temporal to the sublime eminence of the eternal.

Hence it follows that the conception and spread of a lofty, delicate ethical doctrine, in connection with pure, enlightened

knowledge of God, consciously acquired, were to make of Israel a kingdom of priests in the midst and at the service of mankind.

§261[b]. In order to fulfil its high calling, Israel was itself first to become a "holy nation" (גוי קדוש). If the idea of a "kingdom of priests" is universal, the idea of a "holy nation" tends towards union, towards social co-operation.

Its appointment as a "holy nation." Morality only in union.

Man's elevation to morality is tantamount to the obligation resting upon him to seek association with his kind: for to be a moral entity is equivalent to being a member of a community. An individual conceived to be in perfect isolation—a mere figment of the brain, by the way—can never be called moral.

Even in nature an object cannot be known as to its quality, if it is considered in detachment from others,[1] for no being

[1] It can be shown that the quality of a thing appears only in connection with other things: more than this, that the quality of natural beings consists

exists, performs its functions, and maintains life for itself alone. A plant cannot be thought of without the soil, without water, that is, without the nature of the earth; nor without light and heat, that is, without reference to the sun, and the animal kingdom cannot be thought of unless in relation to the vegetable kingdom, the source of its food-supply, in other words, water, the earth, the sun, etc.

The same holds good of the second, the moral world. A person, a law, an action, and its result are moral phenomena only by virtue of their relation to others. In the Jewish view, therefore, ethics, whatever else it may be, must be social. Convictions and actions belong to the indi-

only in the relation to some other beings. The color of a body is its relation to light, its sound is the relation to the vibrating atmospheric medium. The development of this metaphysical notion is not our concern here, nor is it of importance with regard to the explanation of the analogous behavior of moral beings.

vidual, but their consequences, their stability, their worth, and their dignity appertain to the community.

Jewish morality always proceeds from the idea that the moral purpose and the moral success of the individual, his well-being, his inner growth, the higher development of his personality, are in congruity with the moral purpose and consistence of the community. The devotion of the individual to the community may lead to the sacrifice of a part or of the whole of his possessions, it may demand life itself, but never can it require an abatement of his moral purpose.

The appointment to form a community.

§262. The real bearer of the moral idea, therefore, the one appointed by the law, is not the individual, but the community; the obligation, however, falls upon each individual, simply because he is and should be a member of the community.

For this reason the earliest announcement of Israel's election addresses to all

Israelites the demand to form a community. The very word for "people" in Hebrew (גוי) carries with it the notion of union, and its synonyms, עם (see part 1, §30, p. 34), אומה, and לאום, are all derived from roots meaning to gather, to assemble, to combine, or unite.[1] In Latin, it may be noted by way of contrast, *gens* as well as *natio* has reference to natural unity, to common origin.[2] It is, therefore, highly characteristic and suggestive, when Jeremiah, the Prophet who of them all has the profoundest, the most clearly defined, and the most inflexible conception of Israel's mission, utters the solemn promise, all the more solemn for its juxtaposition with the eternity of the laws of nature, that "the seed of Israel shall not cease from being a nation before me [God] forever" (Jer. 31:35).[3] Nature herself has made the

[1] See Gesenius-Mühlau.

[2] See Appendix No. 43, p. 284.

[3] Comp. the commentary on Ezek. 37 in *Bereshith Rabbah*, ch. 98.

seed of Israel a unit, a race of people, but at the same time it is to form a גוי forever, an inner union, a spiritual association, and all this לפני ("before me"), a community called to the vocation of morality, and bound together by morality.

Holiness alone represented as the purpose of union.

§263. If it is noteworthy that in the formulation of Israel's call stress is laid upon union and upon union alone, it is equally striking that no mention is made of the many purposes of co-operation usually considered desirable, worthy of pursuit, and necessary. Nothing is said about prosperity, about power and honor, about successful social institutions, or wise political expedients. The one and only statement is that a spiritual, voluntary union, instinct with energy, shall be formed, that it shall be a holy union, that Israel shall be a "holy people" (גוי קדוש), because such a union is its highest task, its loftiest and its real purpose.

Every ordained priest and Levite is rit-

ually holy, and every consecrated Temple vessel and every animal destined for the sacrificial service is ritually holy as well, but ethical holiness is to be the attribute of the entire people, of the people as such, all individuals taken together, because they are to remain individuals no longer, but are to be a community and a unit.

Unity in historical continuity. The Messianic idea.

§264. Even from the point of view of history and the psychology of nations the unity of a people is regarded as appertaining to all times. When the character of a people, its deeds and its achievements, its mission and its impelling ideas, are spoken of, the whole communion is had in mind. We think, not merely of the generation of our contemporaries, but of the people in its historical continuity throughout the ages.

At a given moment unity consists in the contiguity of all men contemporary with one another, and in the sequence of the ages unity exists by virtue of the continuity

of the spirit animating the successive generations. This is a fact of the utmost importance in the comprehension of the ethical task: whatever actually is, is idealized from the point of view of ought to be, and invested with progressively binding force.

In the narrative of the second covenant under Moses, the most prominent idea is the equality of all in the mission to form a union (Deut. 29:9 *seq.*). However different the tribes by reason of their disparate spheres and callings, due to the location of their settlements on the coast or inland; however various the stations, the offices, the dignities, and the professions of the elders, the captains, the judges, down to the hewers of wood and drawers of water; however wide apart in generation, in age, and in origin, the old and the young, the men and the women, the natives and the aliens; all stand before God, and enter into his covenant—all assume the obligation to

weld themselves into one people through the unanimity of their convictions. "When do they stand before God?" asks the Midrash *Tanchuma* on the above text. "When they form one single federation" (אגודה אחת),[1] and an author quoted in the *Yalkut* says about Israel's election at Sinai: "When the people of Israel arrived at Sinai, they became as one covenanted people; therefore did God say, My whole Law is peace, I will give it to this people that loveth peace."[2]

It is proper to add right here, that in the view of the Rabbis, keeping close to the Messianic idea of the Prophets, the promise and the obligation point to the future, when, like the Israelitish people of yore, the whole of mankind, the "whole world" (כל העולם), shall form a single union.[3]

§265. These two notions, then, the

[1] *Tanchuma Nizabim.*
[2] *Yalkut Shemoth,* 273.
[3] *Bereshith Rabbah,* ch. 88, end.

The personality of the individual and its identification with the ideally conceived personality of the community.

strongly emphasized obligation and responsibility of the individual, and the close co-operation of all individuals with one another, are both equally distinctive of the Jewish view. In the measure in which the personality of the individual asserts itself, the notion of an ideal personality summing up the characteristics and convictions of the community in the aggregate grows deeper and more pregnant. It would carry us too far beyond the scope of this work to show that the Greeks, intellectually the most distinguished people of antiquity, fall below the standard on this point of vital ethical importance, because the fact of continuity of spirit met with slight appreciation among them, and was put to still slighter use. It is sufficient for our purpose to quote the culminating sentence from Eucken's masterly discussion of the question: "Nowhere [among the Greeks] does the individual appear as a purpose unto himself, and the idea of a communal person-

ality and of a personal world cannot gain ascendency." [1]

The energetic development of this apparently self-contradictory, but in reality thoroughly harmonious thought—of the sharply defined personality of the individual, on the one side, and its identification with and working through the personality representing the community in the aggregate, on the other side—finds its historical reason in the conflict between the originally individualistic temperament of the Jewish race and the ideal-ethical demand formulated by the Prophets. This will come out clearly in another part of our work.

Continuity of spirit among the Jews and its results. Education is transmission of civilization.

§266. Among the Jews the continuity of spirit has been almost unbroken in historical times. In this place it cannot be shown, nor is it necessary to show at length, how the whole of Jewish literature and life proves the truth of the statement. Take

[1] Eucken, *Die Lebensanschauungen der grossen Denker*, p. 122.

as an illustration the benediction recited over the congregation by ministers and preachers in all synagogues (and for that matter in all churches as well). The words are the very ones ordained for the purpose by Moses in Numbers 6:23 *seq.* ("The Lord bless thee, and keep thee," etc.). And when a Jewish father blesses his child, he makes literal use of the formula pronounced by the Patriarch Jacob in blessing Joseph's children (Gen. 48:20).[1]

Even more than the Law and the Prophets, the Rabbis attached great practical importance to continuity of spirit, and occupied themselves with theoretic discussions of its consequences. Examples may be found on almost every page of the two Talmuds and of the Midrashim. Without exaggeration it may be asserted that continuity of spirit explains the enigma of the preservation of the tiny race of the Jews

[1] See Appendix No. 44, p. 284.

in the face of the ruin and dismemberment of all the puissant nations of antiquity.

At bottom, continuity of spirit is equivalent to the aim of all education, the transference to successors of the culture to which a generation has attained, by preparing the young for its reception, preservation, and further development.

Transference of culture is brought about in two ways, by transmitting the actual achievements, the content, of a given civilization, and by bequeathing the powers acquired by the agents of the same civilization.[1]

Tradition and heredity. R. Gamaliel ben Jehudah and Spinoza.

§267. Of the esteem in which the Rabbis held tradition, not a word need be said; their whole life, everybody knows, was dedicated to tradition. And that the notion of

[1] How the two processes react upon each other—how the organs grow in strength and delicacy through the subject-matter on which they exercise themselves, and how loftier and nobler ideas are produced by the more perfect organs—this is still to be determined by the psychology and physiology of history.

intellectual transmission, of heredity, was not strange to them, appears from such sayings as: "If a man instructs his son, it is accounted unto him as though he had instructed his son, his son's son, and the son of his son's son, unto the end of all generations."[1] For the acceptance of tradition depends upon the good will of posterity, but transmission of intellectual traits manifests itself involuntarily, by virtue of natural law. Every advance in intellectual living exercises its effect upon all subsequent generations, inasmuch as it promotes the improvement of the organs.[2]

A saying in *Aboth* by R. Gamaliel, the son of Jehudah ha-Nasi—the Gamaliel who, in the same Mishnah, pleads that material civilization and mental culture, trade

[1] *Kiddushin* 30ᵃ.

[2] Intellectual advancement, to be sure, is only one among many agencies, and it may be crossed and counteracted by the others. Moreover, improved organs often operate for the benefit of forces that make for retrogression.

and science, shall go amicably hand in hand with each other—contains a whole chapter of the philosophy of history based upon continuity of spirit. He demands that those who occupy themselves with public affairs, with the institutions of the community, should do it from pure motives, "in the name of God," in the service of the idea, not as a private concern and in their own interest.[1] For all social institutions, all forms of civilization, originated in the past, are cherished in the present, and will be developed in the future. Present action should be looked upon as a link in the lengthening chain of historical culture achievements. If, now, the present bears within its lap the ideal content inherited from the past and, at the same time, the germ of the future, its features must be studied and its tasks accomplished with high-minded disinterestedness. R. Gamaliel's thought may be expressed in the

[1] *Aboth* 2: 2.

words used by a much later Talmud disciple, in the words of Spinoza: the finite and the transient are to be considered *sub specie aeterni*, from the point of view of eternity.[1]

Continuity of spirit reveals the eternal element in the idea, and confers worth and dignity upon the poorest of the poor.

§268. The advantageous consequences that proceed from continuity of spirit in good undertakings, in distinctly moral achievements, are obvious. Selfish purposes disappear with the persons, but though the persons depart, the powers, the abilities, the skill they have acquired, at least in their larger aspects, are inherited by their descendants, and the spiritual results they have achieved are bequeathed to their successors. The institutions, the moral purposes that have been clearly conceived and made objective, endure from generation to generation; in them is revealed the eternal element of moral ideas together with their infinite capacity for uniform, consistently progressive development.

[1] See Appendix Nos. 45 A and 45 B, p. 287.

In turn, the communal bond embracing all men contemporary with one another, and linking together the historical ages since the first, produces in the individual an intenser self-consciousness and heightened dignity. Upon the lowliest falls a gleam of the glory won by the whole nation. When a German, a Frenchman, an Englishman appears abroad, he represents the dignity and enjoys the respect belonging to the community of which he is a member.

The limitations of the individual suffer further contraction from the finitude of time; death mows him down. Yet it cannot be gainsaid, for a fleeting moment he filled out a place; after all, he had a share, and was an agent, in the building up of the communal spirit. His importance in the work may be subordinate; he may be neither pillar nor ornament, only a bit of mortar in the interstices, but at all events he is part of the edifice. His mis-

sion to co-operate with others in the creation of the whole is the inalienable distinction of every individual.

§269. Further on we shall have occasion to deal with the aspect of the subject that shows how the inevitable, involuntary kinship between individuals, just described, needs to be supplemented by the voluntary desire to seek fellowship with others for the purposes of morality and from moral motives. At this point the consideration is uppermost, that by the side of the barrier raised by finite time in the passing of the individual stands a worse obstacle, the violation of the good, the resistance offered to the idea by egotism, by wickedness, and evil.

Even the deeds of the immoral serve to further morality in the aggregate. Mercy. Repentance. Arousing of conscience. Growth of the consciousness of God.

Here the Rabbinical spirit displays the most perfect love of the human kind, true mercy, exercised even towards the sinner, in that it is held that he with his negation of morality is still an effective link in the chain of endeavors calculated to promote

and develop the good.[1] By the transgressions of some, the consciences of others are awakened and rendered acute. This is the spirit of the injunction, that "a man is to make apparent the depth of his remorse to his fellows, and they will invoke love and mercy in his behalf."[2] To publish his wrong is the smallest mite the sinner can contribute to the promotion of public morality.

The true blessing that flows from the covenanting and the communion of men lies in this very fact, that in all circumstances whatsoever it increases the sum total of morality. In the face of variety of fortunes, peculiarity of action, and idiosyncrasy of characters, all who are bound to-

[1] It has been shown above (part 1, § 41, p. 56) that sin may become a source of moral betterment for the individual himself, by reason of consequent remorse and repentance. At this juncture we are concerned with the possibility of deriving a good result from a wicked deed in consideration of the connection of the transgressor with the community.

[2] *Sotah* 32b.

gether in one fellowship shall help each bear his and the common destiny, and seek inspiration in one another's deeds for a common effort to raise the moral tone of the community at large. In the Rabbinical spirit, as I said, it is, not indeed the right of the poor sinner, but the mercy vouchsafed unto him, that everything bringing about the rectification of moral knowledge, every act deterring others from evil-doing, every occurrence tending to heighten scrupulousness of conscience in others, is accounted atonement for the sinner: whatever he may have perpetrated, he must be credited with the blessed result of his impious deed. The Midrash says that there are good men and bad men in the world, but God requires all to unite in one body that the former may atone for and absolve the latter. Upon this lofty thought the Rabbis properly impress the seal of religion by the addition: "And if you do this"—says God—if you constitute yourselves

one communion—"in that very hour, I rise higher," I am exalted beyond my former station.[1] A bold but thoroughly helpful word! It is true, God rises to sublimer heights, our knowledge of him enlarges, when our moral view has grown profounder and nobler, when men attain to the conception of the ultimate and highest purpose of morality by entering into one league and federation with one another.

Social ethics the escape from absolute evil. Footnote on a theodicy with regard to sin.

§270. In the first half of the nineteenth century, ethical investigators were occupied, in fact, they tormented themselves with the question of absolute evil.[2] The fundamental thought of the system of social ethics that the Rabbis had in mind as an ideal offers an escape from absolute evil. When men are in close association with one another, evil must yield some good in spite of itself. The purification of

[1] *Vayikra Rabbah*, ch. 30. See footnote to §64, part 1, p. 90.

[2] Comp. Herbart's opuscule, *Gespräche über das Böse.*

moral knowledge and the growth of conscience have already been referred to. Besides, the censure, the scorn under which the culprit writhes, the punishment meted out to him, especially the compassion aroused by his fault and expended upon him, and the pardon he craves and is granted—all give rise to forms of fellowship and association that take into account the fallen brother's as well as the spotless among men—fellowship and association, I say, for these states of mind and feeling counteract indifference and isolation.[1]

[1] The thought developed in this and the last paragraph, like that in §234 (p. 100), on the divine creation of evil, contains a true theodicy—true because ethical. Here we have an attempt, found nowhere else, to solve the problem of divine sufferance of sin. As a rule, this toleration was excused on the plea that man's morality must be a creation of his free will—a view that in a measure considers it a necessary evil, which certainly is not a worthy conception of the divine government. The Rabbis virtually make sin itself a constituent element of chastened morality, and so the Rabbinical interpretation of Genesis 1:31 is completely justified (*Bereshith Rabbah*, ch. 9, R. Nachman bar

The remembrance of conflicts and defeats produces an ethical effect with regard to continuity of spirit.

§271. Until now only the efficiency of the individual within and in behalf of the community has been considered. As for the paramount importance of continuity of spirit in the activities of the community as such, that need scarcely be mentioned, for it is obvious that upon continuity of spirit depends the existence of the community as a creative force. But, it should be noted, for the community continuity of spirit means more than holding fast to actual achievements, more than gradual, upward development. It involves also faithful remembrance of the fortunes and experiences of the people and its social classes, of its experiments and efforts, the unsuccessful and the successful alike, of the mistakes that were made, and the errors that were harbored. As it is for the good of the individual to keep in mind his

Samuel in the name of R. Samuel bar Nachman: והנה טוב מאוד זה יצה"ר, "'And behold it was very good,' this means the evil impulse").

former weaknesses and shortcomings, his wrongs and his moral bondage, the spiritual wrestling and conflicts through which he had to pass in the process of forming and purging his moral character; so a nation, along with its victories, must remember the defeats, physical or spiritual, which it has suffered. A nation and every association of men on a spiritual basis far more than an individual needs a keen, alert conscience, must stand ready to do penance for long-cherished, ingrained prejudices and inadequate, reactionary, and misleading ideals; for an individual may perchance reach the height of ideality by a sudden, strong, upward impulse. "Many a man," it is said, "acquires his higher world in a single hour."[1]

Now, fortunately, societies, nations, states, congregations, etc., are not utterly devoid of moments of flaming enthusiasm, in which nobler views are conceived, and

[1] See *Abodah Zarah* 10b and 18a.

ideal laws and institutions called into being. But a community requires steady, enduring energy, requires repeated conning and continuous remembering of past narrowness, confusion, and pettiness of mind, in order to establish the favorable influence of a transcendent moment as a permanent achievement, and perpetuate newly-won ideals as active forces. This train of thought finds suggestive expression in *Aboth:* "Ten generations passed from Noah to Abraham; all did grievous things, until Abraham came, and received the recompense intended for all."[1] Each generation, doubtless, had struggled against evil allurements, against the temptations of egotism,[2] but Abraham was the first to carry off a victory, inasmuch as he made good for all times the higher principle of conduct. Therefore, he received the prize

[1] *Aboth* 5: 3.

[2] They succumbed in the strife; thereby the evil became habitual, and wrong appeared as right.

for all the battles his predecessors had fought ingloriously. The earlier generations, by their moral failures, reveal the gravity of the struggle and the value of the victory; this revelation is the victor's prize.

Unions of different ascending kinds. Marriage; natural purpose and its ethical exaltation.

§272. The union of men is consummated by slow degrees, both from the point of view of inclusiveness, and from the point of view of advance in ethical worth and ethical results. First and foremost union is effected on the basis of natural impulses and of the natural purpose, the fulfilment of which demands the co-operation of a number of individuals.

By uniting with each other both partners in a marriage perform their natural office to preserve the species. But here as everywhere it is man's task to perfect and refine the natural impulse, invest it with ideal content. When we arrive at the consideration of the ethical precepts regarding conjugal life, we shall see how manifold are the moral motives which are to operate in

the transformation of a natural union into a true marriage, aiming to establish a spiritual communion. It is not a question of single, kindly acts, nor of services rendered and favors received. The idea is that both husband and wife are to be changed spiritually, purged, exalted, so that, in their way and sphere, they may accomplish, through their marriage, the ultimate purpose of all morality, the close joining of souls to make a spiritual unit. The ethical conduct of conjugal life at once grows out of and leads up to an intensification and refining of the feelings rooted in man's nature, the feelings of sympathy with suffering and with joy as well, of affection, of rapture over the thought of identity through fellowship.

The original and natural opposition between the two mates is the basis of the natural purpose of marriage, the purpose common to both; but the inevitable differences between their personal characteristics, their intellectual attainments and equipment,

their æsthetic views, their temperaments and habits, and their moral energy, in the same way give rise to the ethical task to unite with each other by means of the idea of true marriage and seek to realize the high aim of intimate moral communion of souls. Thus the Midrash: "Man not without woman"—*i. e.*, he does not fulfil his natural destiny as a man except in alliance with woman—"nor woman without man, nor the two together without the Divine Presence" (שכינה).[1]

Parents and children; nature and ethics; maternal love.

§273. Children are the firmest and the noblest bond between husband and wife, in respect to spiritual union as in other respects. The natural impulse of every living being is towards self-preservation and selfish enjoyment of life, but in the care of parents for children egotism is annulled by a still stronger natural impulse and for the sake of a natural purpose. Even among animals, the old ones, especially the fe-

[1] *Bereshith Rabbah*, ch. 8.

males, devote themselves to the nurture of the young. This natural instinct rising superior to egotism is necessary for the preservation of the species, else the helpless brood would perish. In man it was all the more a necessity as the helplessness of the human child extends over a longer period. Nature could not afford to wait for man's ethical development; she had to secure the preservation of future generations by implanting the protector instinct in parents. This instinct, however, contains within itself a vigorous germ promising fruition in all the holiest and most affectionate sentiments that bless and exalt soul-communion among men. Parental love, especially a mother's love, carries with it the sweetest joys and the most harrowing anxieties, and a measure of tenderness, devotion, and self-sacrifice is called forth which substantially makes it the type and pattern of every sort of triumphant subdual of egotism; for maternal love is still nature pure and simple,

yet has already reached the height of ethics.[1]

§274. But the child needs more than fostering care and attention; it stands in need of education, if only to insure its preservation. The young of animals early satisfy all their wants by instinct, but with the human child instinct does not go a great way; even for bodily well-being it requires intellectual development. The educational activity expended upon the young must keep pace with the advance of culture in adults. In fact, it may be said that the measure of culture attained by a nation or an age is indicated by the content and the intensity of its pedagogic achievements.

Education is the union of the taught and the teacher.

Now, in the broadest sense of the word, all education is of the nature of spiritual association; it is the personal union of parents and children, of teachers and pupils, of masters and disciples, and therefore it is

[1] See Appendix No. 46, p. 295.

eminently an ethical phenomenon, a realization of the idea of morality on both sides, on the side of the generation of educators, and on the side of the generation of those to be educated.

Filial love an ethical, exclusively human manifestation. Prototype of the union of souls.

§275. On both sides—this is the circumstance of vital importance, for it marks the point in the series of biologic entities at which man and brute part company. The protecting and fostering care exercised by animals towards their offspring, already spoken of, is so effectual that it may well serve as a simile, in fact as the model, for the love of a human mother towards her child. But the love men feel for the passing, antecedent generation, the love of children for their parents, the deference and pious veneration shown the old by the young, mark a truly and an exclusively human relation; in the whole animal world below man, consideration for the old on the part of the young is not met with. And being peculiarly human, the trait is thoroughly

ethical, and therefore the product of gradual historical development.[1] The love of parents for their children is nature, the love of children for their elders is ethics. Hence we find that the Ten Commandments and other passages in the Torah make filial love a legal bidding; parental love need not be commanded. Accordingly, in the ethics of Judaism a long chapter is devoted, not to love for children, but to spiritual care-taking of them, to the cherishing and transmitting of culture, the instruction and discipline of the young.

Continuity of feeling in family life.

§276. Parents and children together constitute the family in its simplest form. What the family means to the community as a whole may be made clear by a comparison of the individual to a molecule and of the family to a cell in the social organism. But the far-reaching ethical importance of the family, especially from one point

[1] See the author's *Ideale Fragen* (ed. 3, Leipsic, 1885), p. 166 *seq.*

of view, comes out strongly without resort to a simile. Parental love reveals itself in circumspect care of children, in the satisfaction of their wants, in their education, in joy over them, or anxiety about them. Ethically inclined children, in their affection for their parents, seek to requite all this by attention, complaisance, and respect. But more, far more, than loving deeds and services is (on both sides) love itself, the fact of devotion, the consciousness of belonging one to another, the knowledge of kinship, the feeling of being one and united with others. The importance of parental and filial love in the scheme of society and for the development of humanity resides in the fact that it is the simplest expression of the highest principle of morality, the principle of human fellowship. On family love rests the continuity of feeling, which, in turn, is the surest basis for continuity of spirit. Therefore, Israel has at all times cherished and cultivated zeal-

ously the sense for family life. The Law and the Prophets, the Psalmist and the Sage of the Book of Proverbs, not to mention the Talmuds and the Midrashim, overflow with teachings and admonitions looking to the establishment and enrichment of family life. There are touching descriptions of the relation of exemplary sons to their mothers; a son's greatest and most justifiable pride is in his mother's virtues, even in his mother's beauty (Prov. 31 : 28 *seq.*), and the tenderness of the divine promise, that Israel shall be comforted "as one whom his mother comforteth" (Is. 66 : 13), appeals irresistibly to every heart. Respect for the family bond became a cornerstone in the sanctuary of Israel's ethics. It must, therefore, be reckoned as one of the brilliantly significant coincidences that surprise the student in the history of literature no less than in the political history of nations, that the last of the Prophetical discourses preserved unto our time, Malachi's,

should close with the verse proclaiming that before the coming of the great and dreadful day, God will send the Prophet Elijah "to turn the heart of the fathers to the children, and the heart of the children to the fathers."

The family broadens out into the circle of kinsfolk and connections, then into the tribe, the race, etc. To this aspect of the subject we shall have to return in the succeeding parts of this work. Here it suffices to remind the reader that in the Orient the family connection takes in a widely extended circle, a large unit of association that finds its European analogue in the Scotch clans. Among the Jews, since Bible times, the notion of the family has now and again been stretched to generous limits, so that many, with good results practically, reckon themselves as belonging to the same family.

All these extensions of family feeling and of the family bond are merely so many dis-

tinct attempts to approach the ethical goal on the road marked out by nature.

Human culture and human association react upon each other. Union the goal of cultural activity.

§277. Man's natural needs, inclinations, and efforts are the foundation upon which arise the works of civilization and the achievements of culture: on the one side, the cultivation of the soil, the production of every sort of raw material, the creations of industry in all its forms, the means and institutions of trade and commerce; and, on the other side, the discipline of mind, the acquisition of knowledge, the fashioning of works of art; the two sets of activities trenching each upon the territory of the other, and reacting upon each other with steadily increasing effectiveness. The one set seeks to add to the comforts, the enjoyment, and the amenities of life, to lighten labor, and provide a growing variety of material pleasures for the delight of leisure hours. To investigate the laws of nature, the methods and inventions of science, and æsthetic forms, and apply them practically

is the object of the other. Trained ability, artificial instruments, and versatile energy combine to build up a civilized world or a world civilization. As all these activities and their results presuppose the association of men with men, so they, in turn, cause the associations of men to become more inclusive and more efficient, infusing into them heightened intensity and idealism. Human culture and human association act and react upon each other.[1]

We have seen that the fulfilment of the natural purpose of sex, the preservation of the species, becomes the source of spiritual communion. In the same way, the realization of all the purposes defined by culture becomes the cause of the spiritual union of men with one another. And this union of spiritual entities is more than the actual cause of all cultural activity, it is also its true, real, and ultimate aim.

[1] *Berakhoth* 63b, especially R. José ben Chanina's sentences.

§278. The exercise of a profession or trade of whatever kind, if only in favor of other single individuals, carries the individual beyond the limits of the ego. Not for himself, but for others, the farmer raises grain, the baker bakes bread, the cobbler makes shoes, and the poet creates his works. The ethical value of every sort of cultural activity, happily leveling all differences, lies in its tendency to tear down the Chinese wall of egotism and bring men together through their needs and the satisfaction of their needs. Here again we meet with a characteristically human trait. Brutes do nothing for their fellows; in the brute world there is no service with service in return, no exchange of service and pay.[1] And as for

Continuation. The specifically human.

[1] The social animals, those living in communities or colonies, in a measure know the principle of division of labor: they post sentries, forage for food, unite for purposes of attack and defense, etc. But no single animal ever does anything for another individual (with the exception of the old for the young): when animals combine, they serve the common purpose.

service without return, done wholly for the benefit of another, that is human culture's noblest work, and they that achieve it are mankind's noblest sons. Now, if all culture-work is of distinctly ethical value, then it behooves men to do it with conscious ethical intent, as far as possible removed from egotistic isolation. The Rabbis use a variety of vehement expressions concerning the scholar who gains knowledge for his own pleasure and profit—a "tree in the desert" he is called. A truth found by an individual ought not to have been found for himself alone; it should benefit and enrich, not the mind of the individual, but the spirit of the community. In commenting upon the words of the Psalmist, "Wealth and riches shall be in his house, and his righteousness endureth forever" (Ps. 112:3), R. Huna says: "That means him who acquires knowledge, and imparts it to others," and R. Chisdai's explanation is, that it refers to him "who writes, or owns,

the Holy Scriptures, and lends them to others."[1]

Union to a still greater degree effected by works of culture for the community.

§279. The ethical effect is still more apparent in the works of culture created directly for a community. An ordinary dwelling-house serves the purposes of the individual, and he may inhabit it in lonely state. But the palace, the museum, the court-house, the city hall, the school, the house of worship, belong to the community, and in the use to which they are severally put, in their purpose, in the idea which they are expected to further, men who as a rule live apart are united. The idea, it is true, is the real bond uniting them, but the building is the visible and inspiring sign of kinship, as a flag is the uniting, stirring, and stimulating symbol of allegiance, holding its followers together in disinterested bravery.

In the task of uniting men and promoting the exchange of opinions, knowledge,

[1] *Kethuboth* 50a.

and products, not the smallest part is played by the public institutions devised by commerce. Every road that is leveled, every canal that is dug, every rail that is laid, every electric wire that is stretched—they all are threads in the band that unites men spiritually.

Also by incidents and experiences affecting a number of persons.

§280. The ethical aim of spiritual union is also promoted by the occurrences and incidents, especially those of an ideal character, which call together a large number of persons in ordinary circumstances living apart from one another. Common prayer, common instruction, common participation in an æsthetic pleasure of a musical or dramatic nature, a national festival, a national misfortune, welds individuals into a community, though its cohesion be only momentary.

War. Light and shade. Nationality and mankind.

§281. This it is that has invested militarism with regrettable glamour in the eyes of the nations. War exercises a magic charm by reason of the fact that in an army

a large, often a most admirable part of the people stands together and acts in unison. More plainly than in any other sphere of public activity all are seen to be united, not for a personal end, but wholly for communal service and purpose, a service and purpose, moreover, of concern only to the people as a whole, to the community and the land.

As militarism grows in power and attractiveness, as the appreciation of its patriotic worth and ethical significance as a form of association uniting a large body of men for one communal purpose increases, the more and the more energetically and impressively must the circumstance—not to mention other drawbacks—be emphasized, that though war unites individuals, it separates nations. From the point of view of a particular nation, war occupies an exalted place; from the point of view of the family of nations, of humanity at large, it is the grave of that ethical culture which is directed to-

wards what has been recognized as the loftiest aim. On the one side the stately array of virtues fostered by war: bravery, unity, devotion, and self-sacrifice; on the other side, massacre, enduring hatred, and the whole brood of evils issuing from brutal pugilism, envy, and thirst for revenge, which poison the otherwise innocent mind of the people, because it praises evil-doing as virtue, destruction and ruin as blessings. "Woe unto them that call evil good, and good evil," says Isaiah (5:20).

It must be left for later to show how the theory of universal peace put forth the rarest and sweetest blossoms in the Rabbinical mind, disciplined as it was by the hardships inflicted by grim war and refined by Messianic and humane ideas.

Antagonistic principles in civilized life; their reconcilement.

§282. Though all civilizing efforts lead to the consolidation of mankind, to the exchange and interplay of powers and achievements, yet, at the same time, they induce a heightening of natural egotism.

In the exercise of his profession, in the work a man does for others, he seeks to establish his own private success. This is the origin of the spirit of emulation, which soon turns into the spirit of rivalry and contention.

But morality demands peace—sound, prosperous peace. The competitive spirit encouraged by the desire for personal success and co-operation for communal good must be made compatible with each other, and it is the task of the moral doctrine to determine just boundaries for both, for devotion and for egotism.

Egotism is necessary—not only a necessary evil, but an integral element;[1] in order to impart, one must have acquired. The same relation is illustrated by the opposition between individuality and public interest. Equality before the law, equal service in furtherance of the idea, is demanded,

[1] See *Bereshith Rabbah*, ch. 9.

but no less indispensable are variety and specificness of ability and achievement.

Fortunately neither opposition is irreconcilable; the claims of the ego and the duty of devotion, physical reality and moral ideality, may and should exist side by side. It is in accordance with nature that man should find it impossible to divest himself of his ego, to deny himself the development and assertion of his personality; but all that he is and has, can and should be applied to the service and purpose of the community. And the more accomplished, capable, representative, and efficient the individual, the more productive and varied his work for the community; and, again, the more diversified his activity for society, the more exalted the place of the individual.[1] Nature offers many examples of harmony in opposition; the earth, for instance, revolves upon

[1] A psychologic analysis of honor and demonstrations of honor proves that they rest upon the union of spiritual entities. Comp. the author's *Leben der Seele*, vol. I, *Ehre und Ruhm*.

its own axis, and at the same time revolves about the sun. So man's actions turn upon his own ego, even while they turn about the sun of the idea,[1] about the community, which exists by virtue of the union of individuals.

§283. When we arrive at the precepts laid down in the moral system of Judaism, we shall become acquainted with the various forms effecting a reconciliation, a union of antagonistic principles. The first consequence of the idea of peace is justice.[2]

Justice and the idea of peace. The law protects and confines egotism. Footnote: Herbart, Ihering, and R. Eleazar ben Pedath. Synthetic wit of the Rabbis and of Hegel.

[1] Comp. *Leben der Seele*, vol. III, *Zum Ursprung der Sitten*, end.

[2] In recent times Herbart has brought into prominence the connection between the idea of justice and the idea of peace. Peace, he maintains, or the avoidance of conflict, is the actual result and, therefore, ethically speaking, the reason of justice.

Every wrong done undermines peace, but justice secures it against disturbance.

The essence of this idea was anticipated in the words of Isaiah: "The work of justice shall be peace" (Is. 32:17). See Appendix No. 47, p. 296.

Rudolf Ihering has misunderstood Herbart's central idea (see *Der Kampf ums Recht*). Attracted by the circumstance that one's right must often be

Human society as constituted by nature and by civilization rests upon the peaceful arrangement of the aims and achievements of men, that is, upon justice and equity.

The law protects the egotism that is necessary, salutary, and peaceable, but at the same time marks its limits—the limits that follow from the equally salutary egotism of others.

fought for, and biased, to the point of one-sidedness, by the ethical truth that in order that right may remain right, one should fight for it. Ihering permitted himself to be led to the false conclusion that avoidance of conflict cannot be the reason and aim of justice. In medicine poisons are sometimes administered to effect cures. Conflicts must be engaged in so long as peace is not yet won, or when it needs to be re-won; but they are a means only, and peace is their object. In fact, the question with Herbart was not simple abstention from conflict, but avoidance of the reason for conflict through the order superinduced by justice. Herbart did not derive the idea of justice from a more fundamental idea; he presented it as an ultimate notion along with its co-ordinate notions of mercy, love, and benevolence. If these ideas are seen to flow from the major, general idea of union, their true bearing is disclosed and their dissonance resolves itself into harmony. This thought can be developed along the

By virtue of the idea of justice individuals are consolidated into society under the sway of law. Society is to protect justified, but no other than justified, egotism and its consequences. The life, health, property, and honor of every individual should be secured against assault and encroachment, by the forms and the administration of the law, and in equity due return

lines pursued in the text; its further elaboration may be omitted here.

Eleazar ben Pedath, on the other hand (see *Chullin* 89ª; comp. Bacher, *Die Agada der Palästinensischen Amoräer*, vol. II, p. 18, note 2), talks like a disciple—or a teacher—of Herbart, when he says that "the world continues to exist through him who, in the midst of a quarrel, puts constraint upon himself" (according to the standard and on the ground of justice).

The allusion here to Job 26: 7 is a fine illustration of the ethical interpretation of Biblical words which originally and in their context had a merely physical meaning (comp. part I, § 15, p. 13 *seq.*). Wit, usually stimulated and rewarded by laughter, indifferent to moral values and tendencies, and as a rule corrosive in its action, in the Talmud appears, with its startling contrasts, as a synthetic, creative force. The Rabbis make it court jester to King Conviction, and the grammatical and lexicographical

should be granted for every service. The institutions of the state are intended, above all things, to realize the idea of justice, establish its forms, and bring about their effectual application to the relations existing among men. It is inherent in the essence of morality itself, in the infinite nature of the ideas, that the notions of justice should be recognized with increasing clearness, and developed in the direction of greater definiteness, that society as a whole and each constituent individual should gain a more delicate and stimulating view of

pranks it plays in the interpretation or rather application of Biblical sentences elicit ethical truths far removed from their immediate, literal meaning. So late a master as Maimonides indulges in a witty rather than a critical interpretation of the Biblical verses he uses. Was he conscious of it? In any event, the rigorously grammatical method was not widely in vogue in his time. Long after his day even, fancy and feeling continued to seek compensation for the severe logicality of the Halachah by unrestrained treatment of Biblical expressions in the sphere of the Agada.

Hegel's dialectics offers a surprising parallel to Rabbinical skill in the synthetic use of wit. Con-

them; but as this process goes on, it is incumbent upon the state to see that each more advanced stage shall assume the settled form of law.

Justice as a sentiment and law-regulated conditions as realities do not, indeed, form the associations of men demanded by the idea, but they are indispensable premises. Where justice is lacking, union is impossible. For wrong inflicted consciously, and suffered and felt as a wrong, is on both sides the most insuperable obstacle in the way of mutual consideration and devotion.

trasting meanings of words, or meanings altogether foreign to one another, are brought into requisition to substantiate, if not create, metaphysical thoughts. His *Encyclopedia of Philosophy* abounds in illustrative examples. Take, for instance, the headings *Grund* ("ground, bottom, reason," with the opposite connotation in the phrase *zu Grunde gehen*, "to go to rack and ruin") and *Urtheil* ("judgment, sentence," as "original division," *Ur-Theilung*, and analysis of the concepts as subject and predicate). The poet and æsthetician J. L. Klein, on almost every page of his valuable work, *Die Geschichte des Dramas* (13 vols., 1865-76), proves himself master of suggestive wit, a disciple at once of the Talmud and of Hegel.

Basis of Talmudic jurisprudence wholly ethical. Characteristic features of the penal code. The spirit of mercy.

§284. Jurisprudence has undergone a comprehensive and severely logical development in connection with Judaism; its relation to ethics will be defined in the parts of our work devoted to the detailed enumeration of moral precepts. At this point we are interested in the fact that though originally, as in all civilized communities that constitute states, law had a political basis, in Talmudic times it was built up wholly on an ethical, if you will, a religious foundation.[1] In the middle ages, not only did the widespread study of the Talmud exercise influence upon various strata of society in the matter of moulding and intensifying the sense of right, but for the great mass of the people it was a circumstance of paramount importance that the civil law was

[1] Periodic attempts seem to have been made to intrust the administration of justice to the priests, but they neither produced a specific canon law, nor resulted in the installation of priests as judges. The history of the relations between the priesthood and jurisprudence is deserving of treatment in a monograph.

long administered by the Rabbis, the spiritual heads of the congregations. As for the judges themselves, they regarded the administration of justice as virtually a religious act. Law and religion in those days were not so far removed from each other as apparently it is necessary for them to be in the modern state, for reasons not to be touched upon here. In certain provinces, as, for instance, that covered by the marriage code, the religious basis was of the highest moral value.[1]

With the subject-matter of jurisprudence the ethics of Judaism, like all other ethical systems, is not concerned to any great extent. But it is proper that some characteristic features of the penal code of the Talmud, revealing its ethical bearing, should be mentioned. Its prime distinction is not so much mildness as the conscientious and ingenious methods put into operation to avoid, as far as possible, the punishment of

[1] See Appendix No. 48, p. 297.

the guiltless. It is scrupulous to a degree in securing victory to innocence and rescuing the falsely accused from conviction by all sorts of precautionary devices. The principle of pardon was unknown, but legal procedure was conspicuously regulated by the spirit of mercy.[1] Again, the penal law of the Talmud has recourse to neither torture nor any other sort of coercive measure to elicit evidence. Finally, though detention for trial was resorted to, there was no punishment by deprivation of liberty. Man's freedom, the air in which he draws breath, was not to be degraded by putting deprivation of it in the list of evils inflicted upon a criminal by due process of law.

The notion of equity in the Bible and the Talmud.

§285. Among the achievements of modern civilization in Europe and America, one of the most brilliant is the more vivid

[1] Examples and proofs for each of the three points will be given in succeeding parts of this work. Meantime the reader is referred to the early chapters, especially the fourth, of the Tractate *Sanhedrin* in the Mishnah.

realization of the notion of equity attained by public opinion—the realization that a moral order dominates even the freely chosen and freely determined relations between service and pay; that such relations, like the less arbitrary ones, should more and more closely approach the order established by law, and be subjected to the protecting supervision of society or the state. We shall have occasion to notice that fruitful germs of this development of the notion of equity may be found in the ethics of the Bible, and to a more striking degree in the ethics of the Talmud.

Sympathy with suffering and with joy. Love of one's neighbor. Love of humanitarian love.

§286. Justice and fairness should prevail in the intercourse of men with one another; egotism should be confined in healthful, seemly bounds, nor should man always go to the extreme allowed by equity; he should keep well within the limits.

He is not only to fulfil justified demands, not only practise honest requital, but with militant and intelligently directed vigor he

is to overcome egotism for the benefit of his fellow-man. Willing devotion, friendly benevolence, active sympathy he is to put into effect; not only just and fair is he to be, but beneficent, merciful, and gracious. Here again we are confronted by the reflection that man cannot transcend his finitude. He is balked by disease, lingering sickness, frailty, insufficient powers, untoward events, sad fortunes, destitution, and the evils that come in their train—distress, misery, and annoyance. Before this impregnable barrier of his finite nature, man must tear down the barrier of egotism; love should step into the breach made by adverse fate, and the wounds dealt by destiny should be healed by lovingkindness and charity. But not for the feeble and the unfortunate alone should our benefactions be reserved; to the happy we must be equally ready to offer ungrudging sympathy, friendly feeling, warm devotion. The pathos of sorrow should evoke our sym-

pathy, and in the joy of the happy we should rejoice. It should be our effort not only to lessen the affliction of the sad, but to increase the gladness of the favored sons of men.

Perhaps no province of human activity can show such perfect congruity between idea and life, between moral requirement and actual reality, as the Israelitish race has attained since ancient times in realizing the humanitarian idea, in fulfilling the requirement of charity. The soul of the Jewish people is so impregnated and enthralled with the duty of love of neighbor that it is not left wholly unperformed by individuals of a moderately acute moral sense, even by positively reprehensible characters.

And no wonder! For how this duty has ever been urged upon the people, how it has been expounded and inculcated from every point of view, how it has been developed in the direction of greater delicacy and depth, not only theoretically, but also

by means of practical application, at once effective and typical!

The doctrine of neighborly love and charity has given rise to a veritable literature among the Jews. In future parts of this work, the kinds, forms, and duties of charity are to be exhibited in detail; even there, however, only a meagre extract from this literature can be given. At this point a few illustrations must suffice. The earliest code, the Torah, demands in simple words: "Thou shalt love thy neighbor as thyself" (Lev. 19:18). And why as thyself? Because he is as thou art—a human being, the child of God, thy brother by virtue of the most exalted relation sustained by man.

Of the Prophetical utterances only three shall be cited. Even in modern parlance the word sacrifice serves as the metaphorical expression for the highest degree of devotion, and in ancient times the offering of sacrifices was held to be the pre-eminently

sacred act whereby man can testify his devotion to God. Yet the Prophet Hosea puts into the mouth of God himself the words: "Love I desire, and not sacrifice" (Hos. 6:6).[1]

Fasting, mortification of the flesh on the holiest day of the year was considered the strictest religious duty. Nevertheless, the Prophet Isaiah, as we have seen, designates the doing of works of love as the only sort of penance pleasing to God.[2]

Most suggestive and affecting of all is the sentence of the noble Prophet Micah; along with justice and humility, he, too, demands love of the human kind (אהבת חסד). חסד indicates gracious, loving deeds; it is the direct contrary to insistence upon one's rights, upon the claims of justifiable, let alone unjustifiable, egotism. The English word closest to חסד is grace. Now,

[1] See part I. § 153. p. 209. where it was shown that the Prophet had in mind only love of man for his fellow.

[2] Is. ch. 58. See § 250, p. 126.

men may be gentle, beneficent, obliging, because the law bids it; but Micah asks them to do justly, to walk humbly, and to "*love* grace" (Micah 6:8)—they shall love love itself, take it to their bosoms, let it grow down into their hearts. Love is the flame in the human soul, and the love of love is the divine flame.

This intensified degree of the notion, this love of love, is a creation of the Prophet's eloquence, to whose heights he was raised by the inspiration flowing from the very love he advocated.

That in the circles whence emanated the Talmud and the Midrashim cordiality of feeling, the all-embracing love of mankind, was truly loved, is proved by the wealth of thoughts and the inexhaustible store of energetic admonitions wherewith they stocked the chapter on charity.

§287. Each of these ideas has value and importance independently of the others, but at the same time all do service together in

the cause of the highest idea, the idea of union.

The ethical notions of right, equity, love, are forms of association among men.

Iniquity and unfairness separate, right connects; indifference tends to isolate, love unites. In the Book of Proverbs it is said: "He who separates himself, seeks what he listeth, and he contends against all that is good" (Prov. 18:1). Countless times the Rabbis speak of the accession of strength that accrues to each of man's powers through his association with others. They originated the parable of the bundle of sticks that cannot be broken by the strongest, though each stick by itself can be snapped in two by a child. The community that is united, of one mind, and in a responsive state, is capable of soaring to the highest within human ken—"if men are united in one covenant, they behold the Presence of God."[1]

There has been much idle debating of the question whether the individual or the

[1] *Tanchuma Nizabim.*

combined mass of the people excels in point of intelligence. The Talmud ranges itself unequivocally on the side of the community, more especially in reference to ethics. An individual could not pass muster, but the community does. In it morality finds its realization despite the defects of the individuals. One performs this good deed, another that. Therefore, only he is regarded as a perfectly righteous man (צדיק גמור) who represents the communal conscience, who fights wrong wherever he can.[1] And the view, doubtless just, is expressed that the people, the mass, if it is devoted and closely knit together, is great, that the community is good, "for in the community is much love."[2]

All these ideas are different and specific forms of association; therein lies their true, their moral worth. But the idea of holiness, which unites all ideas harmoniously, applies

[1] *Abodah Zarah* 4ª.

[2] ציבור דנפישי רחמייהו, *Abodah Zarah* 5ª.

to the total of morality and its ultimate aspect; it constitutes the most exalted worth and the real dignity of human existence.

Now, the notion of holiness demands the true, pure, spiritual association of men, such association as looks to the realization of morality, and is entered into for the sake of morality.

Union the highest purpose of human existence. Friendship as an illustration. Utilitarian, technical origin of ideas, and their ethical completion.

§288. True, spiritual association, I say, the sentiment of oneness, the consciousness of kinship, the effort to bring about union of souls, the merging of the individual in the communal person—this is the aim of all morality, and therefore the highest purpose of human existence.

What are the regulations of law, the adjustments of equity, the deeds and results of charity, however valuable, in fact, necessary they may be for the stability and weal of human society—what are they all in comparison with friendly feeling, with devotion and attachment, with the unitedness of men in mind and heart?

Take friendship as an illustration.[1] A friend is ready to grant all the affectionate, gentle care, the assistance, the service his friend may need, but higher than all acts of friendship stands the bond of friendship, the inner, pure, firm, and deep feeling that unites the souls of friends. The feeling is the source whence issue all demonstrations of friendship, but what are all the demonstrations taken together without the sentiment that ought to inspire them? Works of love are good, works of love are beautiful, works of love are necessary, but what are all works of love without love or in

[1] Friendship does not come under the head of moral requirements; it is a happy gift, though one to be cherished ethically. From the point of view of men's bearing towards their fellows, the point of view of association in general, friendship has the value of a stimulus and a pattern (see Appendix No. 49, p. 299). Friendship is like genius for acquiring wisdom and knowledge with its salutary consequences. Genius cannot be demanded, but to strive for knowledge is the duty of every individual, and his efforts in that direction should be modeled on the energy, the devotion, the singleness of purpose, and the disinterestedness of genius.

comparison with love? Though one sort of associations originally served a natural purpose merely (preservation of the species and of the individual), and though other sorts of associations serve the satisfaction of natural needs by common means (as common resistance to natural forces, to the enemy, to difficulties, and problems)—though the beginning of associations, then, be utilitarian or egotistic, yet it is true that as ethical development proceeds, they gain in freedom and elevation, they gain also in worth and effectiveness.

In ethical speculations the mistake has usually been made to conclude that the utilitarian origin of a moral phenomenon once proved, its utilitarian character is also proved. Is it inevitable that a thing begun with egotistic aim can never rise out of the slough of egotism? Granted that egotism is the root of all the human unions suggested by nature and by civilization. But is a tree with its trunk and its branches, with leaves,

blossom, and fruit, nothing more than a mere root?

The confounding of the development with its beginning is not only a mistake with reference to the actual content of given ethical phenomena, it is a fatal mistake also with regard to the matter of designating the ethical goal.

Here again is made apparent the difference between the mere technic of life and its true ethic. In different kinds of association, from gatherings with a view to entertainment up to friendship, from the family up to the state and the nation, etc., one aspect that invites investigation is the extent of their sphere of influence, the place they occupy with regard to the rest of the conduct of life, but at the same time another aspect should be considered, the degree to which they are characterized by fervor and intensity, by honest and effective union of hearts and souls.[1]

[1] See Appendix No. 50, p. 300.

Sympathetic intercourse with others, spiritual communion, in the normal, healthily organized human being is a need whose satisfaction is one of the most refined pleasures of life. The angels, say the Rabbis, are called "companions," because neither envy nor malevolence divides them, and hence they are closely bound to one another. So should it be among men.[1] Choni, the hero of Talmudic legend who slept for seventy years, on awaking found that he knew not a single person, and that no one knew him. Then he wished that he might die, because he was beyond the pale of spiritual communion. And therefore, it is said, the proverb runs: "Either companionship or death."[2]

All ethics is social ethics.

§289. But if the association of souls to form a unit is the goal of morality, then it follows necessarily that the act of association itself must be for morality; it must be

[1] *Midrash Rabbah* on the Song of Songs, ch. 8.
[2] *Taanith* 23ª.

an association through which the individual becomes more moral, and makes the other individuals more moral; in short, all ethics must develop into social ethics. The idea of morality demands that the community as such should be moral, but every individual, not as an individual merely, but at the same time in his capacity as member of the community, should contribute to its morality. To each individual the requirement is addressed, each individual bears the responsibility, but the issue lies with the community. Only in the community the permanence of morality, the realization of the idea is assured.

We shall see how, according to Rabbinical teaching, duties on the part of all individuals towards the community follow; in what sense and to what degree the members of a community are to be "bondsmen for one another" (ערבים זה בזה); and what duties the community owes to its component individuals.

Of late the thought, supposed to be a new one, has been advanced, that "the criminal is the crime of society." It will appear that in so far as it threatens to set aside the responsibility of the individual, the statement partakes of the character of an exaggeration. The Rabbinical doctrine of the social nature of ethics long ago dwelt upon the same thought, but assigned to it its due extent and place.

The idea of peace.

§290. That it is altogether in the spirit of Rabbinical teaching to consider the association of souls itself as the highest requirement of morality, appears from its well-nigh inexhaustible treatment of the idea of peace. No chapter of the doctrine of morality is developed with such exuberance of thought and depth of feeling as that on the value of peace among men. No less an authority than Rabbi himself is reported to have said: "If the Israelites were to practise idolatry"—one of the three capital

crimes always grouped together[1]—"but peace prevailed among them at the same time, God would say, as it were (כביכול), 'I cannot exercise my angry authority against them, because peace is among them.'"[2] They enjoy immunity, so to speak, on account of the one ideal which they realize. Obedient as they are to the highest moral principle, not even the Supreme Judge can utterly reject them. They are one-sided, and they pursue a crooked path, withal they keep in sight the highest goal, and, therefore, notwithstanding their punishable course, they cannot be considered wholly immoral.

In another place, a grammatical observation is transformed, in a most attractive way, into an elevated thought. It is noted

[1] Idolatry, murder, and incest, distinguished from all other sins in that they may not be committed even under extreme coercion; death itself should rather be suffered.

[2] *Bereshith Rabbah*, ch. 38. Another turn is given to the thought in *Sifre Bemidbar*, §42.

that Scripture says that Jacob came down to Egypt, not with seventy souls, but with seventy soul (Exod. 1 : 5), and the lesson is derived therefrom that all men should be one soul as God is One.[1]

This is, indeed, demanding the ideal, whose realization presents unspeakable difficulties, especially for the community. And yet life knows happy approximations to its fulfilment. Not many men are so favored as to be permitted to conceive great thoughts or accomplish great deeds; but, standing firm on the ground of modest yet dutiful activity, every one can at least pay the meed of appreciation to what is good and great, can accompany it with the pulse-beat of sympathy. Recently the attempt has been made (by Bagehot) to elevate "imitation" to the rank of the efficient principle in the development and manifestations of civilization. That is hyperbole.

[1] *Vayikra Rabbah*, ch. 4; *Bereshith Rabbah*, ch. 98 (on וישמעו); *Sifra Shemini* (near the beginning).

But it is true that to a noble deed, a lofty character, an illuminating or liberating word or work is paid, even from afar, the homage of grateful interest whence sprout the germs of pure aspiration and joyous energy.

The ideal is eternal.

§291. However, it cannot be gainsaid, the communion of souls, the association of individuals to form a compact community —in other words, the ascent of each and every separate purpose in life, the small and the great, the common and the exalted, to the highest purpose of morality—is a sublime goal, difficult of access, a distant, unapproached ideal particularly from the Messianic point of view, which requires the elevation not merely of many to a community, but of all nations to the moral unity embracing mankind. Therefore, the Prophet —in order to convey even to the imagination a worthy conception of the sublimity of the ideal—speaks of the new heavens and the new earth to be made when the happy

consummation comes about (Is. 66:22). But an ideal once conceived as such in a human soul can never again cease from being an ideal. In the hearts of men it must be cherished as a hope, ever growing in definiteness and certainty. It cannot but continue to live always in the mind of humanity as an ideal, illumining it, arousing the will, and urging on to the vigorous, militant activity whose issue is triumphant achievement.

To be without an ideal is tantamount to a renunciation of the worth of life and history.

But—the ideal is a divine promise, and "the word of God stands forever" (דבר אלהינו יקום לעולם, Is. 40:8).

APPENDIX

APPENDIX

31.

To §201. Both trains of thought present forms and expressions of what in the aggregate may be called the ideality of life. The one deals with the realization (though through individuals) and the advancement of the *idea*; the other, with the ideal education and development of the *person*. The origin and gradual differentiation of these contradictory views of progress may be studied with advantage in Jacob. Burckhardt, *Geschichte der Renaissance*. Comp. also Steinthal, on the assertion of the individual among the Greeks (*Zeitschrift für Völkerpsychologie und Sprachwissenschaft*, vol. II, pp. 279-342), and the author's *Ideen in der Geschichte*, especially p. 37 *seq.*, on the characteristic difference between the ideality of Hegel and that of W. v. Humboldt.

32.

To §206. That the Rabbis were profoundly aware of the paramount importance

of the notion of conformity with law in relation to morality in general, appears from the discussion of the question, whether it is more meritorious to do an act because it is commanded, or to do it though it be not commanded. It should be noted that the principle of legality is accepted by the advocates of both views—as well by him who holds the act bidden by law and duty to be the more meritorious, as by him who puts the higher value upon an act done from choice, not under the coercion of a command. The true difference between them is, that for the one the value of the act resides in the pure *form* of the will directed to the fulfilment of the law, and the other considers the moral *content* of the action, which, though not commanded, is raised to the position of law, by free choice and performance, for the sake of its content.

This difference reveals a remarkable, a genuinely metaphysical train of thought, issuing from the deepest source of morality. He who prefers the law-bidden act, and so recognizes the pure form of the will in agreement with the promulgated law, after all bases the value of the deed on the fact that the law was given such as it actually is; and he who

derives the value and the motive of the action from its actual moral content uses as his basis self-created, subjective law. For, when a course of action which is not inculcated by law, and hence cannot be exacted as a duty, is recognized as valuable, admirable, or noble, and is therefore followed out, a new, subjective, individual code, rising above the existing (or hitherto accepted) law, is at once created. Though at first this original course of action be adopted and recognized as moral only by some one individual in whom ethical discipline has developed acuteness and refinement of conscience and loftiness of mind to a higher degree than in the average man; yet his moral convictions and aspirations immediately proceed to become the ideal, the standard, the form of law, for those who have mounted, or are endeavoring to mount, to the same level of morality; in other words, for the whole of mankind, seeing that every man, according to the measure of his ability, is in duty bound to aspire to this height.

To sum up briefly: the one constitutes the objectively promulgated law the rule of his subjective action, his subjective law; the other constitutes the outcome of his own subjective thinking on moral questions an

objective law, bearing its authorization within itself, new though it be.

33.

To §212. Rashi's interpretation of R. Eleazar's words have only the appearance of differing from that in the text. Favoring practical energy, as he does, he explains לפי חסד according to the context as לפי גמילות חסדים שבה ("in proportion to the practical good they do"), with a view to the trouble and care expended in order to realize the purpose of charity in the most advantageous way. However, that he has no intention of ignoring the true, the spiritual import of the saying, is proved by the closing words of his commentary upon the passage: נותן לבו ודעתו לטובת עני ("he who devotes his heart and his mental powers for the benefit of the poor"), in which is conveyed the plenitude of perfect devotion.

The latter meaning of לפי חסד recommends itself the more to the inquirer as its author is R. Eleazar, to whom we owe a number of sentences testifying to his spiritual tendencies, to the richness and depth of his world of feeling, and denouncing perfunctory sacri-

fice and all justification by works. (See Appendix No. 28, part 1, p. 301.) Take, for instance, his saying: "Charity exceeds all sacrifices" (*Sukkah* 49ᵇ), and also, "Prayer exceeds all sacrifices" (*Berakhoth* 32ᵇ), to which must be joined the following: "Let man constantly examine himself whether he is able to pray with heartfelt devotion; if not, let him not pray" (*ibid.* 30ᵇ).

34.

To §220. This is not the place to follow up the gradual development of the Jewish notions of the Divine method of creation. The only consideration of ethical importance in the attitude towards life and in the estimation of nature has been expressed by Döllinger (*Heidenthum und Judenthum*, p. 824 *seq.*): "A notion related to the Platonic ideology, yet essentially different,[1] is found in the Hebrew

[1] Especially the notion of matter is alien to the Jewish mind, the elementary substance, which stands opposed to the idea as the absolutely inert, the worthless, virtually the non-existent (אין אמיתי), and which must be combated and subdued by the idea, in order that the latter may assert itself. Even though the notion is met with in Philo and others, it still remains true that it is foreign to Judaism.

books; it is the notion of *Chokhmah*, of Wisdom, taken as the essence of the eternal ideals, the archetypes God bears within himself, and according to which he created the finite beings and ordered their courses.

"Wisdom is not merely a divine attribute like others, it is the plan of the world, into which God looks, as into a mirror. Thus it says in the Book of Job (28 : 24-28) that God, 'when he made a decree for the rain and a way for the lightning of the thunder,' saw wisdom and revealed her, and then assigned the fear of the Lord to man as his part and lot in wisdom. Wisdom's assertions about herself in the Proverbs (8: 22-31) are more definite. The Lord, she says, possessed her 'in the beginning of his ways, before all his works'; he anointed her as a queen; a cunning artificer, she worked with him at the creation of the world; she is his delight, disporting herself before him day by day. In the Book of the Wisdom of Solomon the same idea is still more fully elaborated. Here wisdom is represented as a breath of God's power, a pure emanation flowing from his glory, the reflex of everlasting light, the unspotted mirror of the power of God, and the image of his goodness (Wisdom of Solo-

mon, 7 : 25 *seq.*; 8 : 4; 9 : 4). Wisdom is privy to the mysteries of God's knowledge, a counselor in his works, his partner upon the throne. And as the Son of Sirach (Ecclesiasticus) says that wisdom is poured out upon the universe, so here wisdom is identical with the 'spirit of the Lord' that informs and encompasses the universe. Finally, God is besought to send wisdom down from his throne, 'that being present she may labor with me' (Wisdom of Solomon, 9: 10), that she may be my helpmate, my spouse. Therefore, she is by no means a person of the Godhead, a hypostasis, but the personification of the essence of the Divine ideas of creation, standing to God in the relation of a mirror in which the world and humanity are ever present to him."

But all ideas of creation at the same time are notions of duration and order calculated to preserve the world.

35.

To §232. R. Benaiah likewise said: "The world and all that fills it was created only for the sake of the Torah" (*Bereshith Rabbah*, ch. 1), and along with many ingenious alle-

gorical sayings, there is a quotation from R. Huna: The creation of the world was preceded by Israel's thought (resolution) to assume the Law. R. Huna's two sayings in the passage referred to furnish a striking example of the way in which noble ideas are found in close juxtaposition with quibbling words (חלה, "sacrificial dough," etc., and ראשית, "firstlings").

Suggestive reflections are attached (*Berakhoth* 6ᵇ) to the word זה in the verse before the one concluding the Book of Ecclesiastes, כי זה כל האדם ("for this is the whole of man"). The following are some of the sayings parallel to those in the text. זה ("this") refers to the man who fears God and obeys his commandments. To R. Eleazar the sentence is attributed: "God says, the whole world is created only for the sake of זה," and R. Abba bar Kahana says: "זה counterbalances the whole world." But Simon ben Azai—according to some Simon ben Zoma—says: "The whole world was created only to unite with 'this,' only to be associated with it" (if we accept the reading לצבות adopted by the *Arukh*; others read לצוות, with substantially the same meaning, comp. §205, p. 52). R. Eliezer bar Maron expressed the same idea.

Alluding to the name of the Shulamite (derived from שלם, "completed," "perfect"), he says: "A nation through which the stability of the world is perfected" (secured, *Bereshith Rabbah*, ch. 66; and *Midrash Rabbah* on the Song of Songs, ch. 7, on the word שובי). In his *Religionsphilosophie*, Samuel Hirsch takes אישטיונו in the just cited sentence, אומה שהיא משלמה אישטיונו של עולם, as stability = ἵστασις, in agreement with the *Arukh*, but "paid" for משלמה is incorrect. Even if Levy's reading איסטטיונרון, that is, "the sentry post of the world," is adopted, the sense remains unchanged. R. Jochanan said: "Even for the sake of a single righteous man the world continues to exist" (*Yoma* 38[b]).

36.

To §232. I cannot omit setting down my opinion that Dr. S. Schaffer, in his thorough and in many points excellent work, *Das Recht und seine Stellung zur Moral nach talmudischer Sitten- und Rechtslehre* (Frankfort on the Main, 1889), makes erroneous use (on p. 31) of three Talmudic passages: *Sanhedrin* 37[a] (quoted in §230, p. 93); *Yoma* 38[b] (similar in content to the quotation from *Yoma* at the end of

Appendix No. 35), and *Aboth de R. Nathan*, ch. 31 (quoted in §232, p. 97). The three passages do not pretend to deal with the relation of the individual to others, nor with the relation, supposed by our author to be explicitly denied in them, of the individual to society. Their real meaning is that an individual, a true man in the ethical sense of the word, represents the realm of morality, and as its exponent is the counterpoise of nature. Dr. Schaffer might have found the refutation of his use of the passages in his own book, especially in the quotation on p. 33, which cannot possibly be interpreted as having reference to a man's relation to others.

On the other hand, I wish to express my agreement with Dr. Schaffer's view, that the Rabbis did not disparage the value of the individual as such in favor of altruism or society. My only contention is that the three passages mentioned have no direct bearing upon this opinion, and cannot be cited in its support.

As for the Rabbinical valuation of the individual, I must put into explicit words the inference that may be derived from my presentation of the subject: the thoroughly idealistic point of view of the Rabbis asserts itself

in the circumstance that the personality of the agent recedes into the background before morality as a cause. The demand is that the law, the principle, the notion of morality shall be in evidence. The revelation of the idea of morality and its application constitute the reason and the value of the world. The paramount esteem in which the Rabbis held the Halachah recalls Hegel's analogous idealistic thought: "The question is not so much the fulfilment of the laws, as that the laws are devised, discovered, created in the ethical spirit." Above all things, the Talmudists cherished and extolled devotion to study, the longing, wrestling, and struggling that lead to the establishment of the Halachah. They have scant patience, however, with a mere theory, a hollow, vain theory that does not pretend to be applicable in practice. Differences in the characters of the thinkers, in the times and their needs, produced the well-known controversy on the question of the comparative importance of theory and practice, of study and conduct; but both parties to the dispute regard the opposition as psychological, not as ethical. Hence, the solution that a perfect theory must be fashioned, because such a one leads to perfect practice,

completely represents the spirit of Rabbinical Judaism. See *Peäh* 1 : 1; *Aboth* 1 : 17; 3 : 12, 22; 4 : 6, and elsewhere.

37.

To §242. It may be that one of the connotations of יצר (in Gen. 8 : 21) is sexual desire and its illegitimate satisfaction. But a comparison of the passages on the wickedness preceding and causing the deluge (Gen. 6 : 5; 6 : 11; 8 : 21) shows that the only specific charge is חמס, violence, oppression, lust of power, in short, wrong.

In the story of Sodom also the general term חטא ("sin") is accompanied (and preceded!) by זעק ("to cry"), or צעק (= זעק Gen. 18 : 20, 21), which refers to the groan of the victim of unjust oppression. Therefore it is made the antithesis of צדק ("righteous," Is. 5 : 7), and of Abel's blood it is said that "it crieth (צועקים) unto me from the ground" (Gen. 4 : 10). Rabbinical tradition formulates the guilt of the Sodomites in the word inhospitality. The earliest of the virtues appertaining to civilization is hospitality, the protection, consideration, and care of the stranger. It was Abraham's distinguishing virtue, and, like Abraham, his nephew Lot

hastened, at the approach of strangers, to bake מצות. These quickly baked flat-cakes, served before the completion of the leavening process, are the hoary symbols of hospitality, the bread of the stranger, of the needy (לחם עני), the wretched.[1] The Passover service (הגדה של פסח) also attaches its large-hearted, hospitable invitation to the hungry to the explanation of לחמא עניא (" bread of poverty ").

The admonition inculcated by the show-threads demands " that ye seek not after your own eyes and your own heart " (ולא תתורו וכו', Num. 15: 39). " Eye " doubtless means here the organ arousing sensual desires, and stands for sensuality; but " heart " is the inclusive term for egotism of every description—greed, avarice, envy, malevolence. Likewise the sentence, " Thou shalt not harden thine heart, nor shut thine hand from thy poor brother " (לא תאמין את לבבך וכו', Deut. 15: 7) has reference to a hardening of the feelings through egotism.

Neither the Talmudic commentary (*Berakhoth* 12[b]) nor *Sifre* (*Bemidbar*, §115) on Numbers 15 : 39 offers a psychologic or philologic

[1] German, *der Elende*, the derivation of which is from *Ausland*, " foreign parts." The wretched, then, are aptly called uitlanders, strangers.

interpretation. They only serve the purpose of a symbolic association of ideas on the basis of assonances. S. R. Hirsch in his *Chorcb* (note to ch. 4, §13) maintains properly that לבב ("heart") is taken as "the whole inner sense of man." For the rest, his explanation in the text is arbitrary from beginning to end.

The psychologic valuation of symbols as revealed in several dicta in *Menachoth* 43[b], with the weight of authority implied by ת"ר ("the sages teach"), is highly interesting: "Seeing (the show-threads) leads to remembering, and remembering to doing." Again: "Beloved is Israel! The Holy One, blessed be he, surrounded Israel with laws concerning phylacteries, concerning show-threads, concerning door-posts" (חביבין ישראל שסיבבן הקב"ה במצוות וכו'. Comp. part 1, §29, p. 32). In connection with these, take R. Eliezer ben Jacob's view, with its too optimistic psychology. The performance of a symbolic act is comparatively easy; to express its spiritual result in terms of practical living is most difficult, not to mention the danger, near at hand, of stopping at the symbolic deed and considering the matter closed.

I cannot refrain from setting down my objection to the reasoning of the *Chinnukh*,

which as a rule is not without discriminating power of observation and a sane psychologic theory based upon experience. The desire to put symbolic practices in the most favorable light leads it to extremes. In its remarks upon the sixteenth commandment, the relation between deed and thought, act and conviction, is literally turned upside down: "The spiritual part of man shapes itself according to his works (נפעל כפי פעולותיו): his heart and his thoughts are always determined by the deeds in which he expresses himself." It tries vainly to support this view by a purely hypothetical empiricism, as untenable as the idea it is meant to establish. To reproduce the system and refute it would lead too far afield, but the author advises his readers to look up the passage in question and be warned how not to reason.

38.

To §248. Goethe (*Faust*, part 1, end of the monologue in "Forest and Cavern") makes Faust say:

So tauml' ich von Begierde zu Genuss,
Und im Genuss verschmacht' ich nach Begierde.

"Thus in desire I hasten to enjoyment,
And in enjoyment pine to feel desire."

It would be unwarranted to assume that Goethe was aware of the analogous meaning of the verse in Deuteronomy, for Luther's translation, based on another root-meaning of the verb ספות, puts an entirely different construction upon the passage. Recent explanations, too, have taken ספות in the meaning of "snatching away." However, Dillmann need not have been so contemptuous of the other idea; his own interpretation barely escapes being untenable. Who is supposed to say למען ספות in the meaning of "snatched away"? Surely not the individual who "blesses himself in his heart" (התברך בלבבו וכו'). Or is it the orator Moses? Then the words under discussion would introduce the concluding inference from the thought developed in vv. 17 and 18, and this inference would be inserted in the middle of the verse. Let that pass, too, but then למען is forced, the more so on account of לא יאבה, the next verse, which makes a much more acceptable conclusion.

39.

To §250. In the Mishnah we meet with the regulation concerning propitiatory fasts (*Taanith* 1 : 3 *seq.*), for the averting of public

distress and plague. That it is a question of propitiatory fasts in the real sense of the term is obvious from the casuistry determining when the fast may be interrupted in the event of relief (*ibid.* 3 : 9). Such fasts manifestly originate in dogmatic notions of sin, punishment, supplication, and mercy. Their relation to the ethical is readily deduced; entreaty and repentance go hand in hand. The energetic determination to put an ethical construction upon them appears from the very forms prescribed for the public worship connected with fasts. One of the features is a sermon, the subject of which, according to *Taanith* 2 : 1, should be that not religious practices, not sackcloth and ashes, but moral convictions and conduct are pleasing to God. Later, again, in the Gemara, we meet with an institution in connection with the celebration of fasts that points to a purely ethical reason, and aims to produce ethical results. The Talmud itself says briefly on the subject: "From morning until noon the moral condition of the community shall be investigated." But tradition has given a more detailed account. The manner in which fasts are brought into line with man's ethical duties is admirable, and is admirably illustrated by

Maimonides. The more astonishing is it—it cannot be concealed—that even with Maimonides fasting, besides being represented as the occasion for introspective examination and the cultivation of a repentant frame of mind, is made to do service for repentance itself; it is, in other words, the evil superadded to the punishment. More than this, in *Hilkhoth Taanith*, ch. 1, Hal. 12, ethical penitence, traditional fasting by way of repentance or punishment, and superstitious belief in dreams, are mixed up with one another in a most unsophisticated way.

With Rashi, too, ethical and dogmatic concepts trip each other up by the heels. Though in commenting upon *Taanith* 12[b] he mentions only ethical sins, due to the encroachments of egotism ("Is there robbery and violence among them?" אם גזל וחמס ביניהם), yet in the parallel passage *Megillah* 30[b], he speaks in general terms of "transgression," עבירה. In the latter, however, the idea is re-transferred from the ethical to the dogmatic sphere of thought. He says: "Investigate whether there be any transgression among the people, warn them, and let them desist, that the fast may be acceptable" (בודקין ומזהירין אם יש בידם עבירה ויחדלו כדי שיתקבל התענית). It is especially

noteworthy that Maimonides (*ibid.*, Hal. 17) refers first and foremost to the "men of violence" (בעלי חמס ועבירות), and demands that they shall be "weeded out" (מפרישין אותן); then he proceeds to instance the "men of rude might" (בעלי זרוע), the purse-proud secular leaders of communities who are invested with the power, and asks that they be "humbled" (ומשפילין אותן).

This ethical inquisition never became an established institution, certainly not apart from the fast days. Else we should have a valuable analogue to the office of the Roman censor.

Whether or not this Talmudic institution is connected with another fasting custom of hoary antiquity, I leave to archæologists to determine.

At all events, why the summoning of a criminal court should be designated as צום ("fast," 1 Kings 21 : 9) is enveloped in obscurity. Kimchi's supposition that "on fast days in general a sort of examination of the people was instituted, and if necessary penal sentences were pronounced," seems to have been treated as a mere conjecture by himself, else he would not at the same time have cited his father's lexical meaning of צום as an

"assembly" pure and simple, without reference to fasting.

So much seems certain, we are dealing with a very old custom which bade judges, especially those that were to dispense capital punishment, pronounce their verdicts before they had broken their fast. This is confirmed by analogous institutions among other nations. In the interest of brevity, I shall present merely the results of investigation, in the form of a conjecture.

In the first place, the discordant interpretations of צום as assembly, day of judgment, and day of fasting, are harmonized by the assumption that the people assembled in the gate (שער), the whole community of citizens, exercised judicial functions, but for certain grave cases a select class was invested with the office of judge, and was charged to exercise its duties as such before touching food or drink.

Jacob Grimm, in his *Deutsche Rechtsalterthümer*, p. 745, makes the following remark: "Nowadays the word court primarily conveys the notion of the decision of suits at law or the punishment of crimes. Originally, however, the notion of a popular assembly (*concilium*) predominated."

In the time of Boaz and Ruth the whole congregation assembled, and groups of ten of the elders formed courts of "voluntary resort," for the concluding of sales and purchases and their legal ratification, etc. The whole congregation were the witnesses (Ruth 4 : 1, 2, 9). But the penal law was administered (at least in the period of the kings, see 1 Kings 21 : 9-12) by the elders and the nobility, the prominent men, the חורים, "free-born" barons. They were obliged to conduct the cases brought to them before breaking their fast, and had to continue to fast until the verdict was pronounced. In the "written" summons assembling the judges the fact was conveyed that a grave case was pending, and that they had to appear before tasting food or drink; hence the summons was called briefly "proclamation of a fast" (קרא צום).

Similarly we find in Grimm's work (p. 764): "So wanner ein frigreve richten wil und sal over menschen bloët, so sall hi nuchtern sin, desgeliken so sollen oich sine friescheffen sin . . ."

Again, in the *Sachsenspiegel*, the famous German law-book, it says (3, 69): "Ordel scolen se vinden, vastene over iovoelken man—."

In later times we find in the Mishnah (*Sanhedrin* 5 : 5) the regulation that the judges "shall eat little and drink no wine all day." Perhaps this may be looked upon as the rational residue of the old custom of fasting, or it may be that such moderation or partial abstinence was called fasting in early times, much as the Catholics use the word at the present day. The latter view would seem to be corroborated by Esther 4 : 16, for if צום had meant total abstinence from every sort of food, there had been no need to add: "And neither eat nor drink." Apparently this was the more rigorous way of fasting. This explanation satisfies the next passage too: "I also and my maidens will fast thus" — כן, in the same manner.

40.

To §257 (footnote, p. 137). With regard to Ps. 19 : 6 it should be said that לרוץ אורח ("to run a race") is to be taken in connection only with כגבור ("as a strong man"), not with ישיש ("which rejoiceth"); if the expression referred to the sun, we should have to have כְּגִבּוֹר .

A race is spoken of also in Jeremiah 12 : 5.

For the gymnastic trial of strength in the carrying of burdens in Zachariah 12:3, see Gesenius under מעמסה (אבן). (I. I. Kahan.)

Mention of the dance of the pious leads me to say that even in Judaism the dominant, or at least the most widespread, notion of the future life is the one that takes it to be the most exquisite enjoyment in the pure contemplation of the Divine. The recurring phrase is: "The pious sit, their crowns upon their heads, delighting in the splendor of the Divine Presence" (צדיקים יושבין וכו׳). But it should be borne in mind that the speculation and the poetry emanating from the choicest, from the most fervid minds, have not gone appreciably beyond this conception of heavenly bliss (see part 1, §138 *seq.*). Take, for instance, the beatified gods of Aristotle's *Nicomachean Ethics*, and in Dante's *Divina Commedia* it is particularly true of the *Paradiso* that, despite thronging thoughts and images, it falls short of conveying the vivid conception that avails to stir the emotions or satisfy the mind. The artist paints with colors of light on a background of light, and the beginning and end of all is

effulgence and light. There are artistic variations of the Talmudic "delight in the splendor of the Divine Presence" (נהנין מזיו השכינה) but when all is said, none gives an impression stronger than the theme.

In contrast with all this, one noteworthy expression occurs in the Talmud, an expression infinitely closer to our modern theory of the constant and indefinite development of all that is. R. Chiya bar Ashi says in the name of Rab: "The wise have no rest, neither in this world nor in the world to come, for it is said (Ps. 84 : 8): 'They go from host to host'" (*Berakhoth* 64[a]). The reference to the Psalm gains in force if the translation of Mendelssohn [and of the English versions] is adopted: "They go from strength to strength." Unlimited aspiration joined to unlimited capacity to reach higher and ever higher stages of achievement is a far nobler idea of the life eternal than images of pleasure, however pure and refined.

The various readings of the above passage from the Babylonian tractate *Berakhoth* collected by Solomon Buber in his edition of the Midrash *Shochcr Tob* (on Ps. 84 : 8), show how rarely the real meaning of the Bible verse has been grasped.

41.

To *Note on the Development of the Law by the Talmud*, p. 167. I leave it to specialists to determine whether Roman legislation, or perhaps the Roman market regulations, or the decisions of the censors, etc., include anything that may be interpreted as an ordinance against unfair competition. So far as the legislation proper is concerned, it is unlikely, else, in the first place, the later European codes that are built up on the basis of the Roman law would assuredly have preserved indications thereof, which is not the case; the whole question of competition is an entirely modern development. Again it is rendered improbable by the circumstance that even "fraud," *dolus*, as a technical notion appears very late in the province of Roman legislation. "To steal an inheritance is not accounted a wrong. . . . Equally little is fraud (*dolus*) so held, for fraud does not imply a visible encroachment upon the rights of another; false tidings, misleading advice, etc., in themselves are not crimes—the means which fraud makes use of are externally legal. It is the wolf clothed in sheep's skin, the hypocrite among crimes, and only when the

heart came to be considered as well as the hands, this sinner, who had until then gone scot free, was apprehended" (see Ihering, *Der Geist des römischen Rechts*, II, p. 411).

42.

To §259[b]. This fact is particularly striking in the enumeration of the fundamental laws in the so-called Book of the Covenant (Exod. 21 and 22). All the way through the individual is addressed until the requirement of holiness is reached, which is put in the plural: "Holy men shall ye be unto me" (Exod. 22 : 30).

Isaiah's נשאר and נותר (Is. 4 : 3) are not two individuals, but a number—the Prophet longed and hoped, a large number—of individuals; this appears from the כל following.

Such passages as Lev. 21 : 7; Num. 6 : 5, 8; 16 : 5, 7; and Ps. 106 : 16 are only seeming exceptions. At all events, they confirm the rule, for all of them deal with the ritual, the material holiness, as it were, of the Nazirite and the priest, like the holiness of an animal or a vessel not implying any emotional qualities. So far is the holiness of the Nazirite from bearing a religious or an ethical char-

acter in the eyes of the Rabbis that they deem the offering to be brought at the end of his vowed term an expiatory sacrifice, "for the sin of his asceticism" (*Taanith* 11[a]).

The passage II Kings 4 : 9 is the only real exception in the Bible; but it is the speech of a woman.

The Rabbis were inclined to be equally chary of canonizing individuals. If the honorary title "the holy" was applied to R. Meïr and R. Jehudah ha-Nasi, the word was obviously used with a very restricted meaning, in which, according to Talmudic tradition, it might have been applied to very many others, since it was given only on account of great chastity and modesty. Along with them, a Nachum, who is not identified more particularly, is called "the most holy" (קודש הקדשים), by reason of his unworldly character, so unworldly that he did not know the coin of the realm. But this represented a one-sided view, not without opposition in the Talmud itself. See Jerusalem *Berakhoth* 2 : 7; Jerusalem *Megillah* 3 : 2. The term has equally little force in the saying, that "whoever fulfils the words of the wise is called holy" (*Yebamoth* 20[a]).

43.

To §262. Populus and plebs are derived from the root *pla-plc* (*plere*, to fill), many, a crowd, a mob. According to Vanicek's Etymological Dictionary. Similarly Bréal and Bailly.

44.

To §266. The lesson of the continuity of spirit is impressively conveyed in *Bemidbar Rabbah*, ch. 2, naturally in concrete, legendary form.

It were well worth while to examine into the questionable statement which asserts that, though the Jews are a living, conspicuous example of the continuity of spirit, their taste and ability in the direction of writing history have always been, comparatively speaking, slight. The case is reversed among the Greeks. And it would be a still more useful occupation for historians to note the degree to which continuity of spirit prevails among various peoples. Certain nationalities low down on the scale of civilization, for instance, are so lacking in self-consciousness that they change their language completely in the course of a generation. Comp. Max Müller,

Vorlesungen über die Sprache, vol. II, p. 32 *seq.*, and the author's *Leben der Seele*, II, p. 151, footnote.

It might seem that in historical peoples continuity of spirit should always be present, and, indeed, they never do lack it entirely, but it is bound to vary in degree and manifestation. Eschewing long discussion and many proofs, I adduce a single fact.

The Germans are beyond dispute an eminently historical people. The criticism of the present day holds that the classical Middle High German epoch plays a great rôle in the history of their literature. Yet all the poetical works of the twelfth and thirteenth centuries were completely forgotten in the age of the Reformation and of the Religious Wars that followed it doubtless in consequence of the political and social disturbances. In the middle of the eighteenth century there probably were not three persons in Germany who had any knowledge of the existence of Middle High German poetry, and certainly not one who could have read it without difficulty, let alone interpret it.

Vilmar says: "It is comprehensible that little regard should have been paid to the *Nibelungenlied*, the most brilliant jewel in the

crown of German poetry, during the fourteenth and fifteenth centuries, which were given over almost entirely to conventional poetry, in any event allowed the national epics to sink into rude neglect; but recent research has shown that far more attention was devoted to it at that period than for a long time was thought . . .

" On the other hand, both the sixteenth and the seventeenth century knew nothing at all of the existence of the poem, as, in fact, they knew or cared to know nothing or next to nothing of the existence of an old Germany, prosperous and strong. Only one Austrian scholar of the sixteenth century, Wolfgang Lazius, knew it. . . . In the 'fifties' of the eighteenth century, however, Bodmer 'discovered' three manuscripts, etc." (*Geschichte der deutschen National-Literatur*, ed. 15, p. 96).

Such a state of affairs would have been absolutely impossible among the Jews, notwithstanding that the soul-crushing ruthlessness of Imperial Rome and the cruel stupidity of the middle ages, venting itself particularly in the persecution of the Talmud, were circumstances making the preservation of literature difficult beyond any fate suffered by the German tribes and states. And yet the art

of printing had been invented in the fifteenth century, and several works of the neglected period of German poetry had been published in type!

45A.

To §267. Maimonides' explanation of the Mishnah (*Aboth* 2 : 2) is altogether arbitrary; in particular the last sentence: "And I shall bestow ample reward upon you, as if you had fulfilled (באילו עשיתם) all the commandments from the fulfilment of which you were kept by public affairs," bears only the remotest relation to the rest. Michael Sachs' translation reads: "All those, however, who are active in the service of the community shall work for it in the name of God; for the merit of their fathers aids them, and their righteousness endures forever. And as for you, ... as if you had accomplished it." That is literally correct, but it does not make apparent why the behest to act in the name of God should follow from the "merit of the fathers." Bacher's explanation (see *Agada der Tannaiten*, vol. II, p. 554) also seems arbitrary and insufficient. He says: "The weal of the community should be promoted without any by-purpose, for the sake of God, and

though it be the merit of the fathers that aids the community, and though the righteousness of the fathers endures forever (comp. Ps. 112 : 9), still God will set it to the account of those who occupy themselves with the affairs of the community, and great reward will fall to their lot." A forced construction must be resorted to to make שזכות mean "though the merit," nor can the "community" be taken as the object in מסיעתם, etc. My own notion is briefly this: the requirement that he who devotes himself to public affairs shall be actuated by ideal motives, is based upon the circumstance that all culture has its prop in the past, and its result lies in the future (וצדקתם is best translated here by "their achievement"). If, now, every product of civilization is at once the effect of the past and the cause of the future, it forms a necessary link in the chain of the whole, and is representative of its continuous oneness. Every essential datum involves the whole, as it were; in an intelligible way, the past is still and the future is already contained in it. Therefore, the great result[1] is held out, that

[1] שכר is not always "reward" in the restricted sense. For instance, in Isaiah 40: 10, "reward" for שכר makes good sense as little as "retribu-

with the present deed, whatever it may be, the whole (continuous) work of the idea is effected; the expression וצדקתם עומדת לנד, "their achievement—or commendable act—endures forever," is justified by the transmission of good qualities to posterity.

I again take occasion to draw attention to the fact that the "merit of the fathers" (זכות אבות) is a specifically Jewish notion. Obviously it embraces various elements; its whole meaning, therefore, cannot be exhausted by a mere translation. It is worthy of a monograph dealing with it philologically, and at the same time presenting its ethical aspects. Such study of the term would show —contrary to the expected logical consequence—that it never countenances a lax conception of moral obligations. Remembrance of the promises given to those who have gone before constitutes a standard burdening with duty rather than disburdening from it, for it is well known that the זכות is effectual only "if the later generation continues the meritorious work" (כשאוחזין מעשה אבותיהן בידיהן).

Mr. I. I. Kahan calls to my attention that my explanation of R. Gamaliel's saying

tion" for פעולתו: the context requires them to be taken metaphorically as "result" and "effect."

agrees with that given by A. Krochmal (*Scholien zum Talmud*, Lemberg, 1881, p. 292).

45B.

To §267. I called Spinoza a disciple of the Talmud, a statement in accordance with fact, but over and above its external truth, it is of essential importance as a spiritual fact, which is not dwelt upon by his biographers. Some one conversant with the Talmudic spirit—Auerbach unfortunately was not enough of a Talmudist, let alone the authors of Histories of Philosophy—ought to undertake to determine what influence his early study of the Talmud exercised upon the content of his system.

But the task cannot be accomplished by the sort of scholar that seeks Talmudic passages the translation of which reads approximately like sentences in Spinoza's works. It may be assumed with a degree of certainty that Spinoza said something very different with his words from what the Talmud intended with its words. Again, it is beside the mark to attach vital importance, except in parts, to Spinoza's dependence upon Chasdai Crescas, or to his verbal agreement

with the "Song of Unity" (שיר היחוד)—the philosophical poem received into the liturgy of the synagogue—especially to their agreement with the frankly pantheistic verses in the song of the third day.

What is to be kept in view are the distinctive ideas, the peculiar ethical thought and attitude of the Talmud, as they lived in Spinoza's mind and moulded it (comp. part I. §60, and, with regard to Kant, footnote to the same section, p. 84). Like most thinkers, Spinoza was not conscious of the connection between his productions and his first education. Radically deviating as it does from his earlier habit of thought, and possessing so much that is attractive, the method of which he became deeply enamored, and which he adopted root and branch was Cartesianism, particularly its mathematical development. From the study of the Halachah, which is characterized, especially in Talmudic jurisprudence, by acute distinctions and rigidly logical procedure, he was early weaned by his indifference to its subject-matter. In the Agada, again, concerning itself with religious and ethical questions, the mode of thought and speech is always laconic, often allegorical or fantastic, and not rarely

enigmatic. Compared with it, the explicit definiteness of modern philosophical thought, especially as presented by Descartes and the Cartesians, fascinated him; such thinking, he believed, was bound to lead to the goal of truth. Accordingly, his chief work, the Ethics, is presented in mathematical fashion, with, as he supposed, unexceptionable demonstration. How decidedly he overrated this mode of thought has been shown by Hegel, who, at once incisively and justly, calls it formalistic torture.[1] Granted that his propositions are true, or that they are not true, what is completely lacking in his demonstration is—demonstrative force. At first sight it appears an imposing, solid edifice, but it turns out to be without a foundation. The

[1] Hegel on Spinoza, *Geschichte der Philosophie*, vol. III, p. 344: "The demonstration, then, is toilsome, useless torture, serving only to make difficult the comprehension of Spinoza." At the very beginning of Hegel's presentation of Spinoza's work stands the sentence: "The dualism present in the Cartesian system, Spinoza did away with completely—being a Jew. For this thoroughgoing unity of his philosophy, as it expressed itself in Europe, the spirit, the infinite identical with the finite in God, not as a third element, is an echo of the Orient" (*ibid.*, p. 322).

proofs are built up on axioms and definitions. Though they are debatable, I shall not debate the axioms; but the definitions almost all contain theorems, thoughts, which await proof, because they have not been proved, or because, as Kant would say, they are not demonstrable. Therefore, his critics, Trendelenburg, for instance, were not right when they thought it proper to reject his teachings because they were able to invalidate his proofs.

If, however, the architectonic of his system is disregarded, and his ideas alone are considered, the Talmudic spirit will readily appear as one of his chief sources.

Spinoza has justly been extolled for the purity of his character, a character worthy of a true philosopher. It is interesting, then, that aside from externalities, which are conditioned by differences of time and circumstances, he is the incarnation of the ideal picture which the Talmud draws of the revered men of the olden time. It suffices to mention one trait, that for the ancients science was the chief concern, and their trade or profession a subordinate matter (היה תורתם עיקר ומלאכתם טפל)—a statement that cannot be made, with the same definiteness, of many,

even of the noblest of those that pursue philosophy, if only for the reason that their science is their profession. The ancients earned their livelihood by cultivation of the soil or, like Spinoza, by working at a trade, so that they could devote themselves to intellectual work with absolutely ideal purpose and without admixture of worldly and personal interests.

It may be well to show in the case of at least one of Spinoza's propositions how they are foreshadowed in the Talmud. Spinóza esteemed it the height of wisdom to know the cause of things, *rerum cognoscere causas.* R. Simon ben Nathaniel (*Aboth* 2 : 13) considers him the ideal man who has regard to the ultimate consequences (of things, הרואה את הנולד). At bottom both express the same thought: it is incumbent upon us to seek out the causal connection between things. Both proceed from the investigation of the existing—Spinoza turns backward, considering the existing as the result of which the cause is to be sought; and R. Simon looks forward, considering the existing as the cause, and inquiring into the result to follow. Though due weight be given to the unessential difference between the two propositions, the older Tal-

mudist still deserves to rank above the younger. Both, as we noted, try to fathom the causal connection, but examining the result and tracing the cause is merely theoretic; to investigate the cause and seek for its result is equally theoretic and at the same time is of practical advantage. In Spinoza's proposition appears his characteristic tendency towards quietism, the fundamental view of a system that virtually aims to negate evolution and creation. R. Simon, on the other hand, expresses the view of life that looks to energetic action. It cannot be maintained that in writing down his proposition Spinoza had in mind R. Simon's; but it is worthy of note that Maimonides in his commentary upon the Mishnah cited—a commentary doubtless read by Spinoza—interprets R. Simon's thought in such wise that its analogy with Spinoza's theorem is made plain.

46.

To §273. Hence, to convey the unfailing certainty and infinite degree of divine love, the Prophet compares it with the highest manifestation of love in the realm of the

finite, and as such he adduces a mother's love for her child. See Is. 49 : 15.

Comp. also the author's *Ideale Fragen*, ed. 3, pp. 127 and 166.

47.

To §283. Literally מעשה means "the work" or "the effect." שלום ("peace") is derived from שלם, "to be whole or hale"; every wrong goes to create a rupture or a division in the relations of men, but right and justice promote and establish them. So *hale*, the old English word for "welfare" (= שלום), corresponding to the German *Heil*, means what is perfect, whole, sound, and healthy. In the same way the French *paix*, the equivalent of the Latin *pax*, is noteworthy. Its meaning is to make an agreement, a compact, but it goes back to the basic meaning of *ficher*, to join, to rivet, the very opposite of producing a breach or separation. See Bréal and Bailly, *Dictionnaire Etymologique Latin*.

In perfect correspondence to the above, Pott, the famous philologist, derives the Latin *jus* from the Sanscrit root *ju*, "to unite"; the word itself, then, expresses the binding and uniting power of justice. See Pott, *Etymologische Forschungen*, etc., vol. 1, p. 213.

Hitzig translates the verse in Isaiah thus: "Then the fruit of justice is well-being (*Wohlfahrt*), and the product of justice profound peace forever." Very fine; but it would seem to me to be still better to put *Heil* ("salvation") for *Wohlfahrt*, and instead of "profound peace," "peace and (reciprocal) confidence."

48.

To §284. With profound appreciation of ethnic psychology, Ihering recognized in his work, *Der Geist des römischen Rechts*, that for the classical period of the development of Roman law, "religiousness and morality may be arrayed opposite each other" (II, p. 51). Religion had become rigid, not so the ethical instinct; but in the field of the latter, law and morality were abruptly severed from each other, a characteristic that comes out suggestively in the peculiar institution of the censor. It were desirable to have a scientific presentation of the development of Jewish jurisprudence, begun in the Talmud and continued in later Rabbinic literature, with equal reference to the commentaries, novellae, Responses, and codices, as, for instance,

Maimonides' works, *Turim*, and the *Shulchan Arukh*. In purpose and scope, the treatment ought to model itself after Ihering's classical work, but the progressive forms of law in practice and in theory, for which the Responses are a particularly fruitful source, would have to be investigated from the point of view of inner, impelling forces, and hence would have to be discussed psychologically with reference to the relation existing among religion, morality, and law. The works of Joel Müller on the Responses of the Geonim, etc., would supply an acceptable literary basis for a complete treatise investigating the spiritual development.

A work of this character would be of incalculable value for the study of Jewish life and thought in the middle ages, of which only the religio-philosophical and the poetic literatures have been brought into prominent notice. It would have to be distinctly understood, however, that apologetic and panegyric phrases—I speak from the fulness of experience and מרב שיחי וכעסי—avail naught. Words are, indeed, easy, but knowledge is difficult.

49.

To §288 (footnote). Friendships are ideals of spiritual fellowship, and historical examples of friendship have high value in determining the characteristics of the national soul. From this point of view many of the friendships mentioned in the Talmud and the Midrash would merit treatment in a monograph. See *Hagoren* by Horodezky, p. 22, on מהרש"ל and רמ"א. Though the sources of historical evidence flow but sparingly, and poetic legend is all the more exuberant, yet what we have suffices to acquaint us with the ethical signature of a past time. Take, for instance, the relation between Jochanan and Simon ben Lakish. It would be possible to show that, despite the widely varying circumstances, their friendship is comparable with that between Luther and Melanchthon (see the author's *Leben der Seele*, ed. 3, vol. III, pp. 302-308). The energetic striving for the identical goal, notwithstanding the great differences in endowments, temperaments, and methods, would form the nucleus of the comparison. But this aspect of the subject cannot be treated with any degree of vividness until we come to the concrete description of the spirit-

ual life common to associations of men, in future parts of our work.

50.

To §288. Union, association, communion, etc., are abstract terms, but in the reality of physical life as well as of the intellectual sphere, various kinds, forms, and stages of common action and of concentration of forces are displayed. In its proper place, in the future parts of the present work, this will be treated both in reference to intellectual activity in general and ethical concerns in particular.

Here I beg leave to cite the words of Ihering, with him in a measure an apology for Rome, the new Rome as well as the old:

"The goal of history is not particularism and division, but communion and unity, and the individuality of men and nations is not destroyed but rather intensified and ennobled by the element of universality" (*Der Geist des römischen Rechts*, 1, p. 314).

That the abstract notion of "universality" everywhere in the province of ethics must be completed by the concrete notion of the "community," I discussed in connection with

the Kantian basis of morality (see *Leben der Seele*, ed. 3, vol. 1, p. 22, footnote). Take the question of justice as an example: all should, indeed, be equal before the law, but only that they may together form a law-regulated community; equality before the law is but the means for the realization of the purpose of unity through the law.

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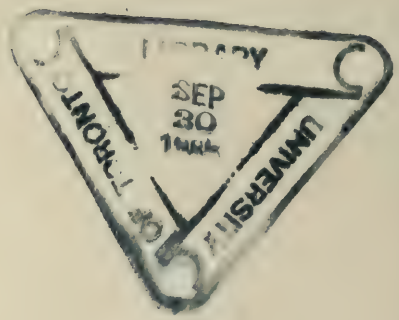
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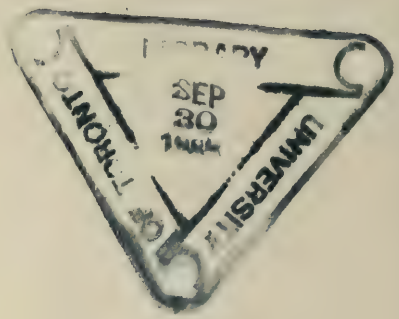
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